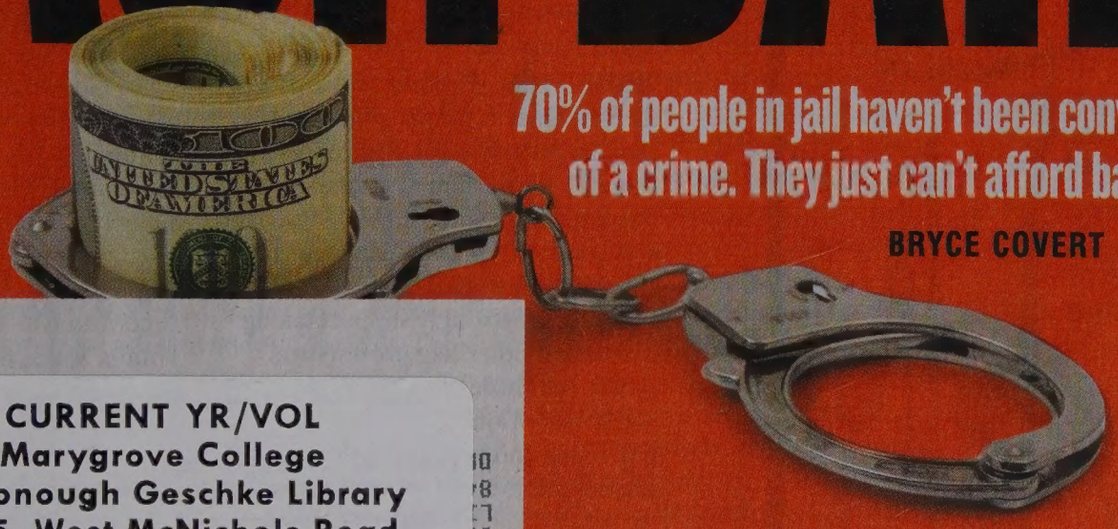
ON HARVEY WEINSTEIN
KATHA POLLITT

AFTER THE FINLAND STATION
TONY WOOD

THE Nation.

THE INJUSTICE OF CASH BAIL



70% of people in jail haven't been convicted of a crime. They just can't afford bail.

BRYCE COVERT

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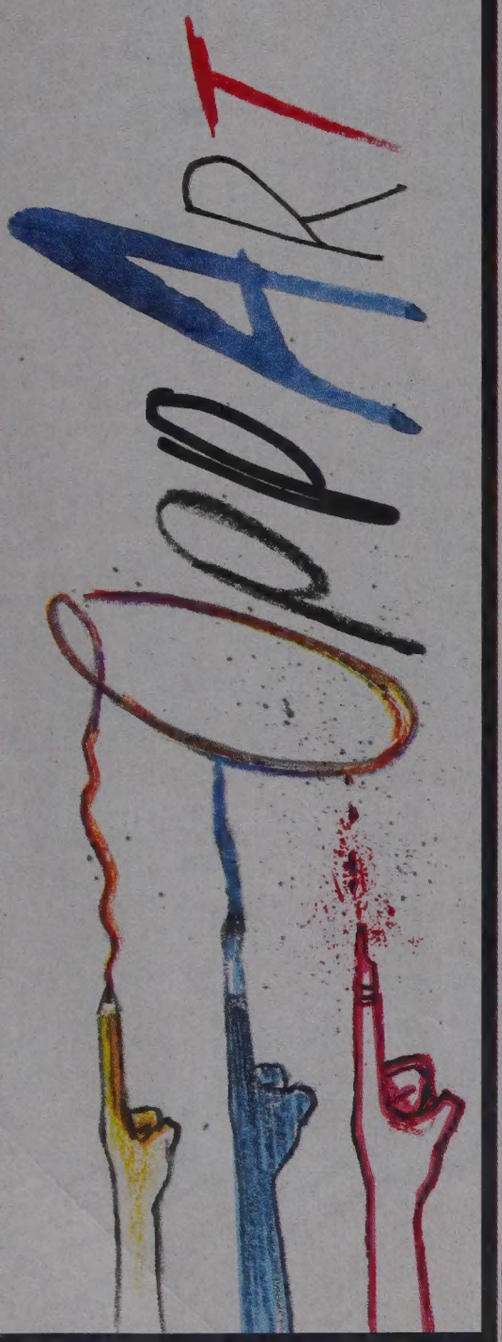

PETER KUPER

Letters

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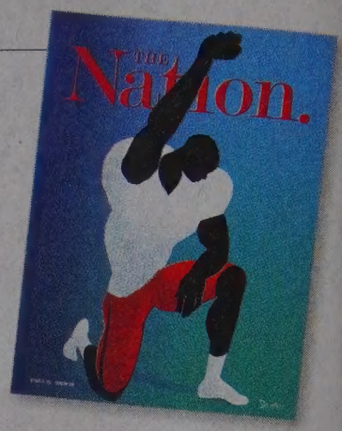

Kneeling Down, Rising Up

Dave Zirin's "Taking a Knee" in the October 16 issue was an eye-opener. Not understanding a "sport" that involves 22 grown men deliberately trying to hurt each other, I don't follow football, so I was unaware of "Solidarity Sunday."

Happily, however, it's not only football players who are taking a knee. I believe some basketball players are doing it as well, and I know that Bruce Maxwell of the Oakland A's baseball team took a knee (late in the season, after Trump said those nasty things about protesters) with the support of his teammates, the team owners, and the team broadcasters. I would love to see it done during the baseball playoffs and the World Series.

I think it would be enlightening to see what might happen if a sporting event's public-address announcer, after asking people to stand and remove their hats for the national anthem, added: "If you wish to show support for [athlete's name]'s protest against police brutality or racial injustice, you may remain seated." I believe the response would give Trump apoplexy.

GAYLE VOELLER
CARMICHAEL, CALIF.

Taking a knee is a most patriotic gesture, because it brings attention to the flaws in what our flag represents. It is an exercise aimed at making our flag and all it stands for more perfect and beautiful by enhancing our First Amendment rights.

We must strongly support taking a knee and other flag protests and drown out those who would prohibit our constitutional rights. America has a long and proud history of flag-related protest.

GUS PACHECO
CHULA VISTA, CALIF.

The Wrong Idol

Eric Drooker's cover for the October 16 issue is awesome.

We continue to insist on placing a higher value on symbols than on human beings. We practice a civil religion, worshipping the flag as Christians do the cross. But while Jesus was focused on improving the lives of humans (just as Judaism is summed up in the phrase "repair the world"), we seem unable to walk in the shoes of those brought to our country in chains, held captive under Jim Crow, and now often killed by those whose job it is to protect us. Didn't those who died to preserve our country really do so to ensure our living together in peace, rather than "respecting" a symbol that Betsy Ross sewed in her small Philadelphia home centuries ago? I think so.

SANDRA MILEY
SHERRILL, N.Y.

False Flag

Are you aware that there is no such thing as *the* "American flag"? How could there be only one? Within the two continents of North and South America, there are dozens of countries plus islands and other holdings—all of them American. And these other nations are deeply offended by our usurpation of that term, as though it applies exclusively to our country.

Canada has a flag; so do Mexico, Peru, Guatemala, Brazil, and all the other nations of these two adjoining continents. And, of course, so does the United States. Each country has a flag that represents that one nation. Each in its unique way is *an* American flag. None of them can be called *the* American flag. Ours is the flag of the United States of America.

I mention this because I've just been leafing through the October 23 issue of *The Nation*. Numerous times I see the word "American" used incorrectly, sometimes when the magazine is simply quoting another

Comments drawn from our website
letters@thenation.com

(continued on page 26)

The Nation.
since 1865

The Senate Suicide Squad

Donald Trump's flailings are ever more terrifying. In the course of a few days, he tossed a grenade into the health-care markets that millions rely on, traduced the Iranian nuclear deal, threatened to abandon US citizens ravaged by Hurricane Maria in Puerto Rico, continued to sabotage action on climate change, tweeted about censoring the media, and so undermined his own secretary of state that Republican Senator Bob Corker accused him of castration. For all of that, Trump's grotesqueries are exceeded by a Republican Congress intent on a course so ruinous as to be, one hopes, impossible to sustain.

This week, Senate Republicans will seek to push through a budget resolution for the current fiscal year. The resolution provides guidelines for spending and tax cuts, with projections for the next decade. Although its provisions are destructive and absurd, it has the support of virtually all of the Republican caucus.

The resolution is designed to facilitate the passage of tax cuts with Republican votes only. The final package hasn't been written yet, but Republican leaders have produced a "framework." Its elements are perverse. We know that extreme inequality corrupts our democracy and impedes economic growth. As a detailed analysis by the nonpartisan Tax Policy Center makes clear, this bill will make it worse, with the top 1 percent pocketing over half of the tax cuts next year—and an obscene 80 percent by year 10. The multinational corporations that book profits abroad to avoid taxes will be rewarded with a retroactive tax cut for $2.6 trillion stashed overseas. The proposal would also expand that tax dodge by virtually eliminating taxes on profits they report as earned abroad. And at a time when hedge-fund operators pay a lower tax rate than schoolteachers, this bill would enlarge the outrage with a massive tax break for real-estate barons, hedge-fund managers, and lawyers, delivered by taxing "pass-through" income at a reduced rate. Instead of closing loopholes, this bill adds to them.

The spending side of the Senate bill has received less attention, but it's even worse. As a comprehensive analysis by the Center on Budget and Policy Priorities details, the bill projects $5.8 trillion in spending cuts over the next 10 years. At a time when the baby boomers are retiring, it calls for cuts of $473 billion in Medicare, over $1 trillion in Medicaid, and hundreds of billions of dollars in Obamacare subsidies to medium- and low-income workers. It projects cuts of over $650 billion in income-security programs for low-income workers—primarily food stamps, the earned-income tax credit, the child tax credit, and supplemental security income for disabled seniors, adults, and children in need. Another $200 billion will be cut from the Pell grants and student loans that help working families afford college. These cuts will leave millions without affordable health care and make millions of disabled and low-income Americans even more vulnerable.

The budget also contains stunning cuts in what is called "non-defense discretionary spending" (essentially everything the government does outside of the military, entitlements, and interest payments on the national debt). These include cuts to agencies that contribute to our safety—law enforcement, the Coast Guard, the FBI, the DEA—as well as services vital to our health, like environmental protection and water and sewage systems. The public investment crucial to our economy and our future—science and technology, medical research, modern infrastructure, education and advanced training, and more—would also be slashed. These programs are already projected to sustain deep cuts under the 2011 Budget Control Act, but the Senate bill decimates them. By 2019, it cuts this spending by 10 percent from 2017 levels; by 2027, that number is nearly 20 percent. As a share of the economy, our spending on domestic services will be reduced to levels not seen since Herbert Hoover.

This is a suicide budget. In a country dealing with a growing population, rising global competition, and pressing new challenges like catastrophic climate

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VOLUME 305, NUMBER 12,
November 6, 2017

The digital version of this issue is available to all subscribers October 19 at TheNation.com.

change, the Republican Senate would cash in our future to provide endless tax cuts for the richest among us.

The United States will lag rather than lead the industrial world in education and training. We will squander our edge in innovation. We will suffer the rising perils and costs of a decrepit and outmoded infrastructure. We already witness all these trends today. The Senate budget is on course to accelerate them.

This folly, one hopes, is too extreme to be passed. Yet this week, all of the Senate's Republicans—save perhaps for one or two dissenters—will vote for a budget that is truly a road to ruin. Why? Partly, of course, to reward the wealthy special interests that fund their party. They may also fear right-wing challengers if they don't toe the line. Or they may be motivated by purblind ideological conviction, although it's hard to imagine that any of them really believe these measures would make things better. And then there's sheer desperation: At this point, the GOP has to get something done, even if it does more harm than good to most Americans. President Trump's increasingly manic careenings are terrifying to behold, but the remorseless suicide mission of the Republicans caucus in Congress should horrify us as well. KATRINA VANDEN HEUVEL

COMMENT

The Virginia Test

Stakes are high in this fall's gubernatorial contest.

There is no more egregious hack in American politics than Ed Gillespie. Confidant of Dick Cheney and Karl Rove, champion of neoconservatism and the rush to war in Iraq, corporate shill and crony-capitalist fixer, Gillespie doesn't just swim in the DC swamp; he used to tend it as chair of the Republican National Committee under President George W. Bush. The wave of antiestablishment anger that gave Donald Trump control of the GOP in 2016 was supposed to drain the Gillespies out of American politics. But here we are in 2017, and the smarmiest of Republican swamp creatures has repositioned himself as the president's essential candidate.

With the November 7 off-year elections approaching, Gillespie has mounted a campaign for governor of Virginia that provides a template for the formal transformation of the Republican Party he once ran into the party of Trump. It's a practical matter—for both men. Gillespie needs a big showing by Trump's base to have a chance of prevailing in a relatively low-turnout election in a state where Democrats have been on a winning streak in recent years. And Trump needs a Gillespie win to prove that he is not so politically toxic as he seems and, even more important, to show establishment Republicans the value of making strange bedfellows (on Capitol Hill and on the campaign trail) with this egomaniacal president.

If Gillespie upsets Lieutenant Governor Ralph Northam in November—the Democrat currently leads the race, but polls suggest the finish could be close—then Trump will get some bragging rights and a new lease on life going into next year's congressional and state races. On the other hand, if Gillespie fails in his attempt to fuse establishment conservatism with the ugliest expressions of Trumpism, then the chaos that the Republican Party has experienced since the billionaire populist elbowed his way into its leadership will only grow—and progressive Democrats will be able to make a case for a go-big strategy that seeks to disempower not just Trump but a shambolic GOP.

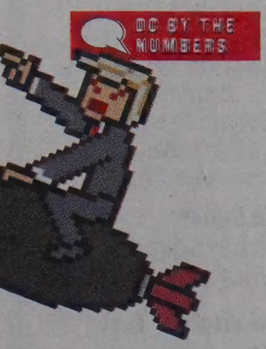
The stakes are high in Virginia because this fall's races don't offer much encouragement for a president whose obsession with election results invariably gets the better of him. Trump—who has yet to get over losing the popular vote by 2.9 million in 2016—failed in September to convince Alabama Republicans to back his pick for the US Senate seat vacated by Attorney General Jeff Sessions. And now he faces the embarrassing prospect of returning to the state in December to promote GOP nominee Roy Moore, the lawless judicial activist who the president suggested just weeks ago was too extreme even for the Deep South.

Trump could really use some good political news, but he won't find many bright spots in the multistate voting on November 7. That day's other gubernatorial contest is in New Jersey, where polls indicate that wealthy Democrat Phil Murphy will replace New Jersey's Chris Christie, who is leaving office as an epically unpopular Republican. Kim Guadagno, Christie's lieutenant governor, is running to replace him, but she's such a reactionary that Murphy calls her "Trump before Trump was Trump." The Democrat has run a progressive-leaning campaign that focuses on hiking support for education and embracing diversity—countering Guadagno's anti-immigrant rhetoric with a declaration that "if need be, we will be not just a sanctuary city but a sanctuary state."

There's little for Trump to get excited about at the municipal level, either. Mayors who have aggressively opposed the administration, like New York's Bill de Blasio, are running strong in reelection contests. Where Democratic mayors face serious competition, as in Minneapolis and Boston, the challengers are coming from the left in a year that has already seen breakthrough victories by young progressives like Chokwe Antar Lumumba in Jackson, Mississippi (where he has promised to forge "the most radical city on the planet"), and Randall Woodfin in Birmingham, Alabama (where the campaign finished with a robocall from Vermont Senator Bernie Sanders that hailed Woodfin's reform agenda). The voting on November 7 could bring more progressive wins in Atlanta and Seattle, as could a November 14 contest in Albuquerque and a November 18 runoff in New Orleans. And as an indicator of the appeal of progressive stances on crucial issues, a number of jurisdictions are poised to elect district attorneys who are aligned against Trump and in favor of immigrant rights, voting rights, and criminal-justice reform, including veteran civil-rights lawyer Larry Krasner in Philadelphia and mass-incarceration critic Eric Gonzalez in Brooklyn.

So Virginia looms large for Trump and for Gillespie, who is scrambling not just to win the governorship but to keep the Legislature in Republican hands. If the Trumped-up GOP can prevail in a highly competitive bellwether state, the theory goes, then battered Republi-

(continued on page 8)



The American air strikes against ISIS in Libya in late September marked a milestone for Donald Trump: In just eight months as president, he has attacked all seven countries that Barack Obama had bombed over the previous eight years. Here's a look at how Trump ramped up America's wars in 2017:

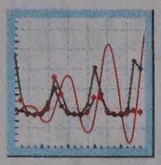
2,566
Air strikes in Afghanistan, more than double the total in Obama's last two years

7,817
Air strikes in Syria, more than double the number in 2016

105
Air strikes in Yemen, or two-thirds of the total from 2002 to 2016

16
Air strikes in Somalia, more than any previous year

—Gunar Olsen



THE SCORE/BRYCE COVERT + MIKE KONCZAL

Family Values

Having failed on a third and potentially final attempt to repeal Obamacare, Republicans are now betting they can pull off tax reform. To get the ball rolling, they released an outline in September with some of the bare bones of what they hope to achieve.

The proposals are vague, but one thing is clear: The rich will pay less. That's accomplished by things like eliminating the estate tax; doing away with the alternative minimum tax, which ensures that the wealthy at least pay something; and reducing the top rate on high incomes.

Despite this regressive morass, there was still some hope that the Republican plan would help the most vulnerable among us: children living in poverty. The rumor had spread that it would make the current child tax credit (CTC)—worth up to $1,000 per child for working parents—much more generous and widely available after Ivanka Trump spent time lobbying for it.

A benefit paid out to all parents would force a country that claims to value family to live up to its own rhetoric.

But those hopes faded once the details were out. The GOP plan made only a fuzzy promise to "significantly" increase the CTC, while sticking to current policy on how much is refundable and the rate at which it phases in. Currently, families earning less than $3,000 a year can't get the child tax credit, and even many who do qualify can't claim the full amount: It gets phased in at the rate of 15 percent for every $1 they earn. Worse, many parents may see no net benefit from the Republicans' new and larger CTC because it will be coupled with a pullback in other deductions that benefit them.

Yet progressives and conservatives alike have called for an expansion of the child tax credit that would reach all parents. So it's baffling that congressional Republicans failed to get on board.

The fundamental idea is simple: Increase the amount of the CTC while making it fully refundable. Hillary Clinton put forward something like that during her presidential run, proposing to double the credit amount for children under 5 and let families qualify with the first dollar of income they earn. That plan would have lifted about 1.5 million people out of poverty and increased incomes for 14.2 million families.

Even Clinton's plan, however, phased the credit in gradually. For a better approach, you could look to the Center for American Progress's plan to eliminate the earnings requirement and make the CTC fully refundable, so that every family could get the full amount.

Ideas for enhancing the CTC don't just reside on the left. Senators Marco Rubio and Mike Lee called for a $2,500 credit in 2015 that would offset payroll taxes—although because it was a credit and not a refund, some poor families wouldn't have gotten the full amount. The libertarian Niskanen Center has proposed making the CTC fully refundable and increasing it to $2,000 per child. Even better, the money would flow to parents in monthly payments, rather than a yearly lump sum at tax time. (Unfortunately, the proposal also calls for eliminating other programs for poor children in order to pay for it.)

These plans all have their pluses and minuses, but there is some consensus among them—namely that the child tax credit should be worth more and be made available to more families.

Embracing a larger CTC for everyone would move the United States closer to a true child allowance, something found in other developed countries like Finland and France. A universal check cut to all parents, accomplished through the child tax credit, could have huge benefits. Giving families $300 a month for each of their children could lower child poverty by 42 percent and lift 11.5 million people out of poverty. And there's ample evidence that boosting parents' incomes helps children's development and economic prospects later in life.

A benefit paid out to all parents would force a country that claims to value family to live up to its own rhetoric. Raising a child is expensive and associated with a significant drop in income. The least we can do is get behind an idea that eases the burden on parents, even just a bit. Hopefully, Republicans will soon clarify how much more generous they want to make the child tax credit—but they've already ignored policy changes that would help every struggling family.

Bryce Covert

Everyone Loves the Child Tax Credit

Raising a child is expensive and comes with a significant drop in income. Both the left and right agree the child tax credit is a fair way to fix that.

So why not go all the way to a child allowance, like France and Finland have?

Sources: Center for American Progress; the Tax Foundation; Matt Bruenig / Demos, "Reducing Poverty With a Child Allowance"

HEALTH CARE

GOP to Poor Kids: Drop Dead

Now that Congress has missed the September 30 deadline to renew funding for the Children's Health Insurance Program, kids across the country stand to lose coverage as states burn through their remaining money. CHIP, a 20-year-old program, currently provides health insurance to about 9 million children from low- and middle-income families.

With the clock ticking, Congress is scrambling to pass funding measures in both the Senate and House. The Senate bill sailed through committee and is expected to pass. In the House, however, the Republicans' bill hit a roadblock: Democrats want to extend CHIP but object to the GOP's attempt to fund the program by raising premiums on higher-income Medicare recipients and by siphoning money from the Affordable Care Act.

Earlier this year, a nonpartisan report estimated that unless Congress renews CHIP funding, three states and the District of Columbia will exhaust their funds by the end of 2017. Minnesota, which was projected to run out earliest, received $3.6 million in emergency funding while Congress hemmed and hawed; this infusion is only about 2 percent of the state's annual CHIP budget. Another 27 states will run out by March 2018, and every state but Wyoming will be dry by the end of June. The absence of federal funding will make it incumbent on individual states to figure out how to cover—or, more likely, not cover—the sick, vulnerable children the GOP has abandoned. —Jake Bittle

Katha Pollitt

Will We Believe Her Now?

If history is any guide, this tipping point for sexual harassment will tip back.

Oh, Harvey, Harvey, Harvey. Hardly had we ushered Hugh Hefner off to the great whorehouse in the sky than the Harvey Weinstein horror show broke over our heads. I have read so many articles, op-eds, Facebook posts, and tweets about Weinstein's disgusting molestations that I feel as though I could open my closet and there he'd be, masturbating into my sweaters. There were a thousand pieces attributing his behavior to Hollywood—its maleness ("You were alone in a sea of men," director and actress Sarah Polley wrote in *The New York Times*), its worship of wealth and success, its tolerance of bullying and coerced sex, its armies of lawyers and publicists and journalists ready to destroy women who speak out. There were almost as many pieces blaming Weinstein on the Democrats—look at Bill Clinton, look at this picture of Hillary standing right next to Weinstein at a gala, look at what a big donor he was (the more than $1.4 million he gave to Democrats over 26 years averages out to less than $54,000 annually—not nothing, but hardly Koch-level largesse). There was Harvey's own explanation—"I came of age in the '60s and '70s, when all the rules about behavior and workplaces were different"—which is hilarious because Harvey is a few years younger than me, and believe me, greeting job aspirants naked was not in the office handbook back then. *Times* columnist Bret Stephens bought it, though: "Like those other libidinous cads—Bill Clinton and Donald Trump—Weinstein benefited from a culture that often celebrated, constantly depicted, sometimes enabled, seldom confronted, and all-too frequently forgave the behavior they so often indulged in." But sexual harassment is no more an invention of the 1960s than priestly pedophilia, which conservatives also love to blame on the era of peace and love. *The New Partridge Dictionary of Slang* reports the first usage of the phrase "casting couch" in 1931.

Well, this late into the story I have nothing very new to add. Obviously, it's not just Hollywood: Every kind of woman, in every profession, gets harassed and worse. Waitresses, hotel housekeepers, salesclerks, stay-at-home moms, journalists, doctors, scientists, and IT specialists—Silicon Valley, land of geeks and gamers, is apparently notorious. Women are harassed in prisons and palaces, by their work superiors and their colleagues, and by strangers in the street. Gorgeous women are molested, and so are the ordinary-looking; women dressed in miniskirts and feathers, women in jeans and sweatshirts, women in burkas. Women who go to business meetings in hotel suites, and women sedated in the dentist's chair or lying in a coma in the hospital. And it's not just Republicans or just Democrats either, although it would be nice if more people pointed out that Donald Trump was accused of sexual assault by 15 women, boasted of pussy-grabbing on tape, was accused of rape by Ivana Trump in her divorce deposition—and is sitting in the White House today. Anyone who voted for Trump has no right to be shocked and horrified by Weinstein. They are the same. The problem isn't one industry or one kind of politics or one kind of woman. It's men.

The optimistic take is that the Weinstein revelations are going to change everything. Women will be empowered to speak up; villains will be ostracized, losing out on jobs, awards, and acclaim, if not punished by law. Indeed, women are sharing their fury in op-eds and on listservs and with the #MeToo hashtag, which has been tweeted more than half a million times. A spreadsheet, removed after a moment online but circulating via e-mail, lists men in the media and their alleged misdeeds, ranging from rape and choking to "creepy" direct messages. Yes, I too worry about false charges or gossip landing someone on the list, but what are women supposed to do? Pussy will grab back.

The problem isn't one industry or one kind of politics or one kind of woman. It's men.

Jessica Valenti is hopeful: "I truly believe this will be a turning point. We are starting to get to a place where people believe women." That would be amazing. Could this be the rare moment when change happens seemingly overnight? But that's what people expected after Anita Hill accused Clarence Thomas of sexually harassing her, and that was over a quarter-century ago. Thomas got his seat on

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— J. Fitzgerald, VA

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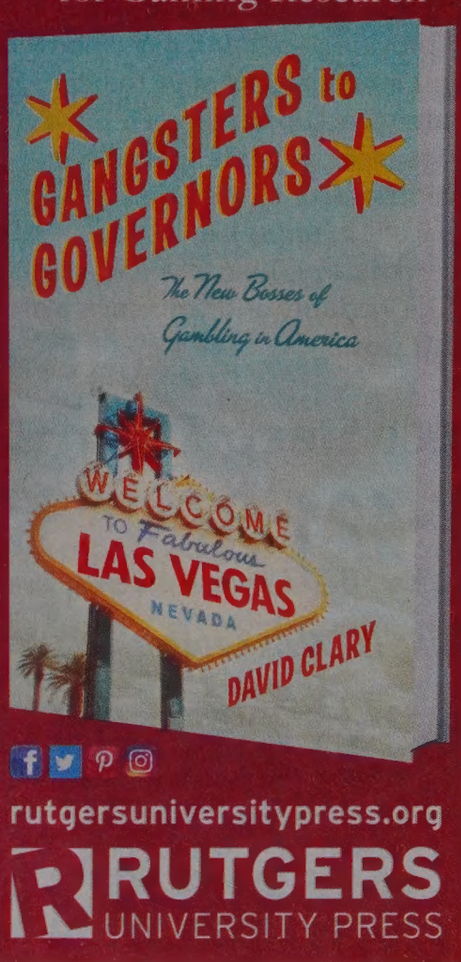

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the Supreme Court; Hill was famously vilified as "a little bit nutty and a little bit slutty"; her nemesis Joe Biden became a feminist darling by sponsoring the Violence Against Women Act before going on to become vice president; and harassment continued as before. More recent malefactors have done all right too: Bill Cosby got a hung jury; Roger Ailes lost his job at Fox News but got $40 million to go away; Bill O'Reilly lost his job at Fox after he and the network spent $13 million in settlements over the years, but he has appeared on *Hannity* and is one of the most popular writers in the country. We seem to agree that harassment is pervasive and that the victim might even be telling the truth—but also that she probably did something to bring it on, and that whatever happened wasn't so awful that a man's life should be ruined over it, especially if we like him. That a man should be able to move forward unimpeded is the whole point of the nondisclosure and non-disparagement agreements that are so common whenever a victim seeks justice. Even a recording of Weinstein admitting to having groped model Ambra Battilana Gutierrez wasn't enough for Manhattan DA Cyrus Vance Jr. to bring charges. After all, Weinstein's defense claims, he was thinking of using her as a lingerie model and needed to feel her breasts to see if they were genuine. Combine that with Gutierrez having dropped a previous charge of sexual assault in Italy, which no true victim would ever do, and admitting that she'd attended, if unwittingly, one of Silvio Berlusconi's "bunga bunga" parties, and what was Vance supposed to do?

Somehow the truth opens a door, and light pours through. Then, as if it would beam into too many dark corners, we close that door again. ■

Calvin Trillin
Deadline Poet

HOLLYWOOD PEOPLE ON HARVEY WEINSTEIN

They're mad as hell at what he did,
So, loudly, they decry it.
But what they don't say much about
Is thirty years of quiet.

(continued from page 4)

cans will have something to spin.

Gillespie's bid is defined by its desperation and its cynicism. In moderate regions of Virginia, he neglects to mention that he has been repeatedly endorsed by the president—or that Trump strategist and political fixer Steve Bannon is hustling to get far-right Republicans on board. In conservative counties, however, Gillespie campaigns with Vice President Mike Pence as a Trump Republican. And he's borrowing page after page from the Trump-Bannon playbook: The candidate's ads mirror dishonest presidential tweets suggesting that because Northam has supported sanctuary cities, he is "fighting for the violent MS-13 killer gangs." Gillespie's commercials—which hark back to George H.W. Bush's notorious Willie Horton ad in 1988—intersperse images of Northam with Salvadoran gang members and flash the words of MS-13's motto ("Kill, Rape, Control") on the screen.

When the debate turns to the extremist violence in Charlottesville—where neo-Nazis and "neo-Confederates" terrorized the historic Virginia city after marching in defense of Confederate statues—Gillespie has positioned himself as a full-on Trumplican. While Northam says the statues belong in museums and focuses attention on structural racism, the Republican announces that "I've remained firm in opposing the removal of historical statues across our Commonwealth" and fails to condemn Trump's assertion that "very fine people" marched with the neo-Nazis. Reviewing Gillespie's approach, conservative columnist Jennifer Rubin wrote: "This is as repulsive as it is predictable." In order to "keep up with Trump Republicans," Rubin concluded, "Gillespie is making himself into a political Neanderthal" in the eyes of swing voters.

That's true. But elections are less about swing voters than a revved-up base—and Gillespie is enough of a hack to know that Neanderthal messaging is what Trump's base demands. What remains to be seen is whether Virginia, which rejected Trump in 2016, will this year reject the ugly Trumpism that Ed Gillespie has embraced.

JOHN NICHOLS

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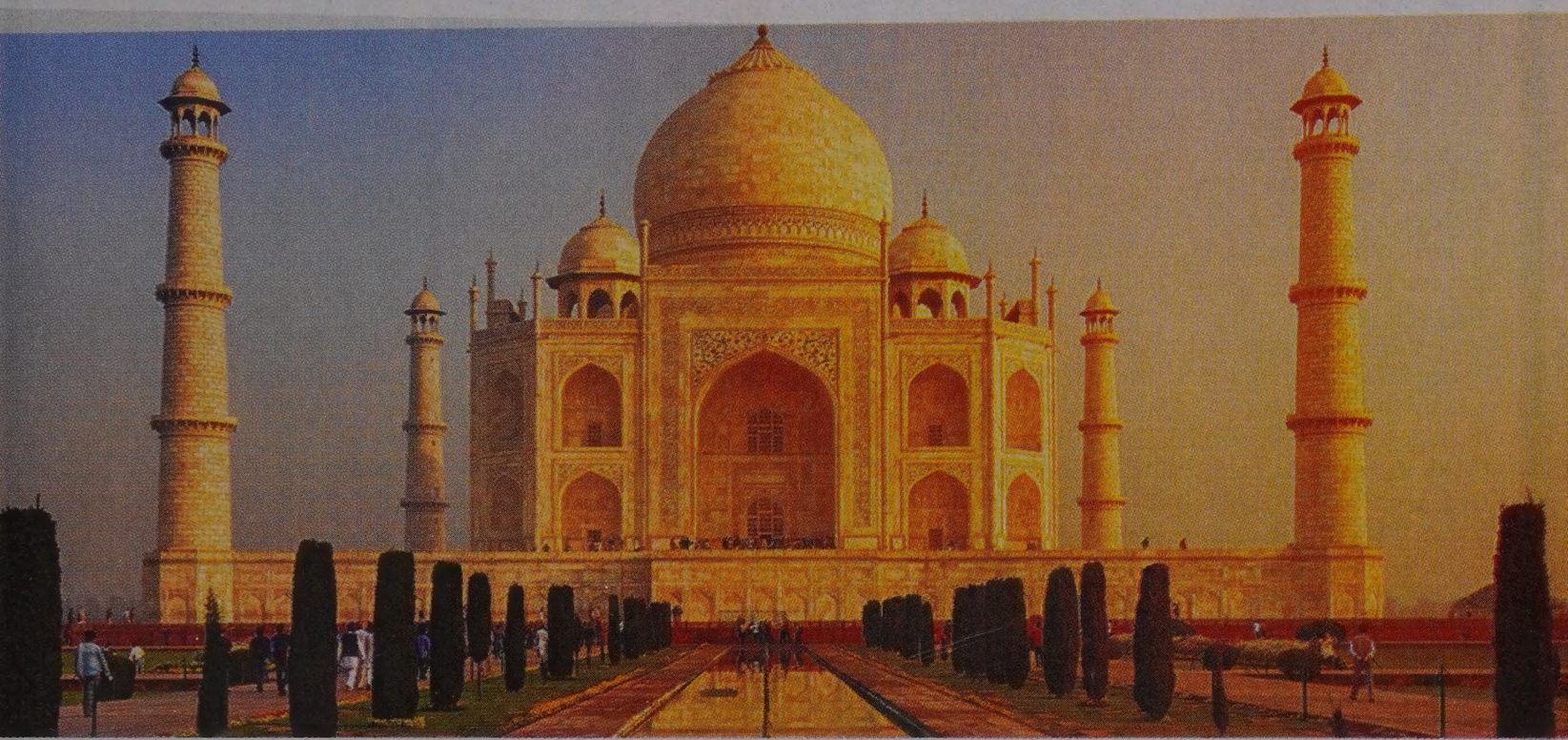

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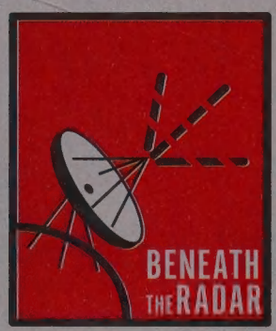
Gary Younge

The Last Days of May

Jeremy Corbyn could be the next British prime minister. Now comes the hard part.

With her tough talk on Brexit and cozying-up to Donald Trump, British Prime Minister Theresa May does not go out of her way to elicit sympathy from progressives. But following her disastrous speech to the Tory party conference in October, you couldn't help but feel bad for her. A litany of mishaps left the few who could stick with it until the end watching through parted fingers.

First, a prankster who'd managed to inveigle his way into the conference center managed to interrupt May's speech by presenting her personally with a P45—the government form that people are handed when they lose their job. Then the prime minister descended into a coughing fit that she just couldn't shake. Finally, as May spluttered her way to the end of the speech, the letters on the board behind her started to fall off. When she'd started, the board read "Building a country that works for everyone." By the time she finished, it read "Building a country that works or everyon."



In the end, it was less a speech than an embarrassing surfeit of metaphors: a government that has ceased to make sense; a leader too enfeebled to get her message across; a performance so weak a heckler could steal the show. This government's days are numbered. And while it's not entirely clear what that number will be, it seems to get smaller and smaller with each passing day.

Still, while May could go at any moment, replacing her would not resolve the underlying crisis.

Having lost its majority following a snap election in June, the Conservative Party now limps from one self-inflicted disaster to the next. Ministers turn up to Brexit meetings without briefing papers or a clue, are laughed out of negotiations, and then come home with their tails between their legs, only to talk tough and hope nobody noticed. At home, inflation is set to reach a five-year high (in no small part thanks to Brexit) and growth has stalled, leaving much pain in the population and little room for maneuver in the polity.

All of this makes what was unthinkable just a few months ago now a distinct possibility: Jeremy Corbyn, the hard-left leader of the Labour Party, could be the next prime minister. Labour now holds a three-point lead over the Conservatives, and Corbyn's approval ratings are better than May's. The September 23 cover of the libertarian *Economist*, no fan of the Labour leader, featured a cartoon of Corbyn coming out of 10 Downing Street with the headline The Likely Lad.

Given the immense effort it took to get to this stage, progressives should be delighted. But given the likely challenges of the next stage, that delight should, perhaps, be tempered with more level-headed strategic thinking—the kind of thinking that could benefit from some input from the left in Greece and Brazil, who've been here before, and from the American left, who may get there yet.

The Labour manifesto was pretty much a boilerplate social-democratic program, calling for wealth distribution and increased public investment. Nonetheless, given the forces that made it possible, the prospect of a Corbyn government is bound to spark capital flight and a run on the pound. In 2015, the first time an anti-austerity government was elected, in Greece, capital (with the help of European Union hard-liners) effectively staged a coup—forcing the government to abandon its election promises and accept the agenda dictated to it.

In Brazil, more than a decade earlier, Luiz Inácio Lula da Silva won his first presidential election. In the three months between his victory and being sworn in, $6 billion in hot money left the country, the currency fell by 30 percent, and a few credit agencies gave Brazil the highest debt-risk rating. "We are in government but not in power," said Frei Betto, a Dominican friar and close aide to da Silva. "Power today is global power, the power of the big companies, the power of financial capital."

This distinction—between being in office and being in control—is a crucial one. The problem with neoliberal globalization isn't simply that it heightens inequalities, but that it undermines democracy: While voters might choose their leader, international capital ultimately has to sign off on the program.

Shortly before May's hopeless speech, I put this dilemma to Labour's shadow chancellor, John McDonnell, in a public interview. Some of his answers, before a supportive crowd of activists, seemed pat. "When Labour goes into government, we all go into government," McDonnell said, referring to those in Manchester Cathedral who'd come to see him. At other times, he was more concrete, insisting that the party had "war-gamed" every possible scenario following an election. Business leaders, he argued, hoped a Labour government could bring an end to the instability and mayhem that had created so much uncertainty for investment under the Conservatives. While I understand what he was getting at, if the Dow Jones Industrial Average under Trump is anything to go by, it's difficult to fathom that moneymakers would prefer a stable left government to a chaotic right-wing one.

Progressives should be delighted, but that delight should be tempered by levelheaded strategic thinking.

By the end of the evening, I was not convinced that McDonnell had the answers, but I was satisfied at least that he had considered the questions. That may sound like cold comfort, but it's better than no comfort at all. Six months ago, Labour were 21 points behind in the polls; now they're a few gaffes and a snap election away from government. It's a nice problem to have to worry about—but that doesn't mean it's not a problem. ■

OppArt / STEVE BRODNER

'Round Midnight

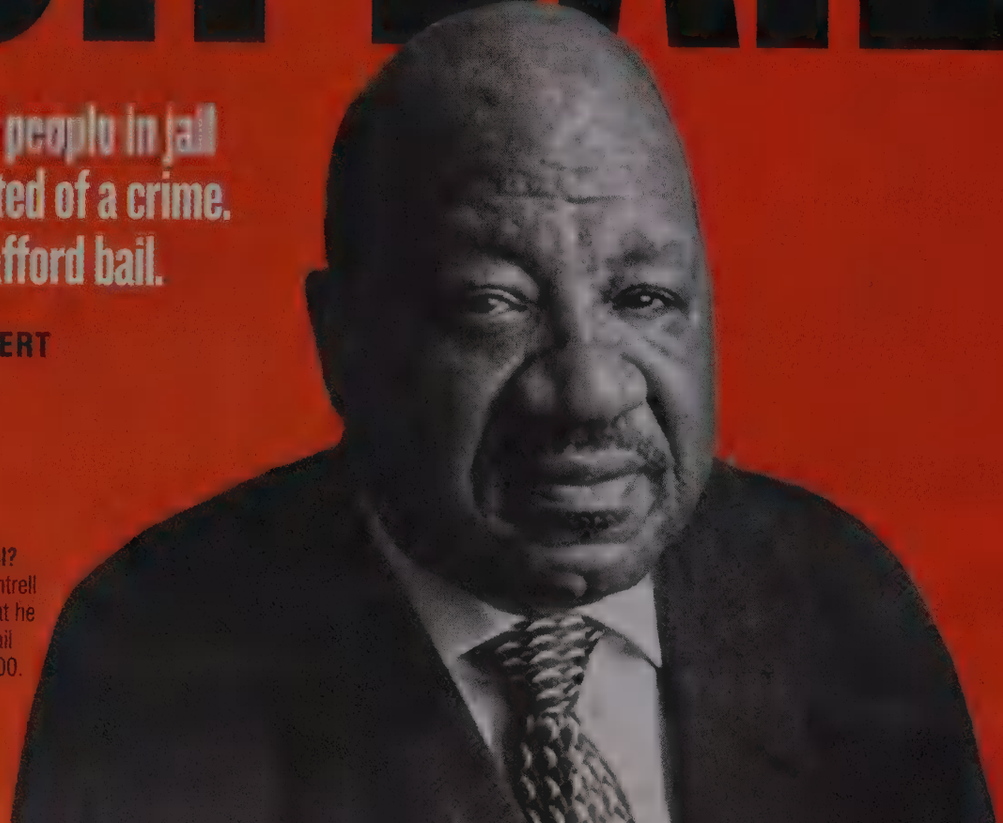
The *Bulletin of the Atomic Scientists*' Doomsday Clock symbolizes how close the world is to annihilation. This year, the minute hand was pushed 30 seconds forward. We are now 2½ minutes from destruction.

The Nation.

THE INJUSTICE OF CASH BAIL

Seventy percent of people in jail haven't been convicted of a crime. They just can't afford bail.

BRYCE COVERT



Unconstitutional? Judge Harry Cantrell has admitted that he refuses to set bail lower than $2,500.

On any given morning, some 20 people in orange jumpsuits sit in a pen in a courtroom at the Orleans Parish Criminal District Court in New Orleans, Louisiana. Most rest their handcuffed wrists in their laps; a chain connects the cuffs to shackles around their waists and ankles. They've been arrested for allegedly committing a range of offenses, from possessing drugs to stealing a girlfriend's car to strangling a domestic partner. But at this point, none of these people have been formally charged with a crime, let alone convicted of one. As far as the law is concerned, they're innocent.

As they make their appearance before Magistrate Judge Harry Cantrell, each defendant gets approximately three minutes to meet with a public defender, if they're found poor enough to need one, and explain why the charges they're facing should be dismissed or, barring that, why their bail should be low. This meeting takes place in a Plexiglas booth that resembles a bank teller's window, with the public defender, who serves every indigent person in court that day—in New Orleans, over 85 percent of criminal defendants are represented by a government-appointed lawyer—separated from her clients by a wall of clear plastic.

As if calling out orders at a deli counter, Judge Cantrell reads through the case numbers one by one. The defendants aren't allowed to come out of the pen and speak for themselves when their case comes up. Instead, after the district attorney reads through the police report and makes his argument for probable cause, it's up to the public defender to try to get the case thrown out, ask for a reasonable bail, or argue that the defendant should be released without having to pay.

What constitutes reasonable bail is entirely at Judge Cantrell's discretion. The man who supposedly threatened to kill his brother, even though his brother wasn't the one who called the police? Cantrell sets a $2,500 bail. The young man accused of having methamphetamine, prescription drugs, and drug paraphernalia in his backpack? Twenty-five hundred dollars for each count, despite the public defender's request that he simply be released. Cantrell sets a $10,000 bail for a man accused of threatening people with some sort of shiny object—and whose only income is a monthly $700 disability check. A 12th grader hauled in by police for firing a gun, on the basis of seemingly sketchy evidence, receives a $30,000 bail despite having no prior arrests. When the public defender argues that one particular $10,000 bail is excessive, Cantrell responds simply, "Your objection is noted." When a defendant tries to speak on his own behalf, the judge instructs him, "Sir, don't say anything." Each person's case takes less than five minutes. Then the court's business moves on.

Cantrell has acknowledged that he refuses to set bail lower than $2,500, no matter the facts of a case. "We don't go any lower than $2,500 in this court," he told one defense attorney in 2016. When attorneys object to this practice, Cantrell sometimes threatens to hold them in contempt of court—for which they could serve jail time themselves. In 2015, 87 percent of defendants in Orleans Parish Criminal District Court had to post bail in order to be released. Of the defendants who could afford to post bail, 97 percent used a bail bondsman. New Orleans bondsmen earned $4.7 million in payments from defendants that year.

The number of Americans sitting in jail without a conviction is larger than most other countries' entire incarcerated population.

Brian Gisclair, a shy man with the deep tan of someone who works outside, found himself in Cantrell's courtroom on June 20. He had been searching for a new job ever since he was laid off in February, and that same day he was scheduled to interview for a position as a maintenance man at an apartment complex. The day before, New Orleans police had stopped a car in which he was a passenger. Officers claimed that they saw a passenger in the car do a drug deal and that Gisclair "exited the vehicle…and discarded a small plastic bag containing a white rocklike substance." He was arrested for felony possession of cocaine.

Kenneth Barnes, Gisclair's public defender, told Judge Cantrell that setting bail wasn't necessary because his client had no prior convictions for violent crime, wasn't a threat to the community, and would almost certainly come back to court. Barnes even mentioned the job interview that Gisclair had scheduled for that day.

But without asking whether Gisclair could afford it, Cantrell slapped him with a $2,500 bail. In most courtrooms, Gisclair would have had two options for getting his liberty back: either scrape together all $2,500 on the spot and give it to the court as a deposit (or "cash bond") that would be refunded in full once he came back for his hearing; or have a friend or family member go to a bail bondsman and put down 12 to 13 percent of the amount—money they would never see again—so that the bondsman would bail him out. But Cantrell refuses to allow the first of these—"I've never set a cash bond," he declared in open court in 2016—further limiting Gisclair's options. Gisclair couldn't afford to use a bondsman, nor did he have anyone who could loan him the money. So he sat in the Orleans Parish Prison jail for about 40 days.

When Gisclair speaks of his experience, a nervous smile darts across his face. "I didn't realize that I would be in there that long for something so small," he says. "My sense was telling me I was going to get out one of the first couple days I was in there. But after about the first week went by, I realized that wasn't happening." For the first few weeks, Gisclair didn't have any information

Close quarters: Bail bondsmen's offices surround the Orleans Parish Criminal District Court.

RIGHT: BRYCE COVERT

about what was happening in his case or even the comfort of talking to his fiancée and three kids—no one had enough money to accept his calls from jail, which can cost nearly $5 for 15 minutes.

The days he went to court weren't any better. Although the jail is down the block from the courthouse, inmates are driven over on a bus. For two days in a row, Gisclair waited on the bus, shackled, for his case to be called, but it never was. His fiancée drove 20 minutes each way three times to be there for his hearing. On the third day, he appeared in court and was told he'd be released.

Once out of jail, Gisclair called the employer with whom he'd had that interview scheduled—but after waiting a week to hear from him, Gisclair learned, the employer had hired someone else. So now he's back to temporary work, trying to dig out of the hole created by spending nearly six weeks of his life in jail on a charge that was eventually dismissed. "I'm getting there," he says. "It's harder to catch up than it would have been if I would have been out and just keep things flowing."

On June 27, Gisclair and another plaintiff who couldn't afford bail filed a class-action lawsuit against Judge Cantrell, claiming that his use of cash bail violates arrestees' constitutional rights to due process and equal protection under the 14th Amendment. The lawsuit argues that "the money-based orders of post-arrest release that he imposes constitute de facto orders of pretrial detention for those unable to pay." Also troubling is the fact that Cantrell—like virtually everyone else in the New Orleans criminal-justice system—benefits from the bail amounts he sets. Louisiana law diverts a small percentage of every bail bond contracted with a bondsman back to the budgets of the people in charge: to the court, the sheriff, the district attorney, even the public defenders. The Orleans Parish Criminal District Court rakes in about $1 million a year from this kickback. This arrangement, the lawsuit argues, is "an institutional financial conflict of interest."

Taking a "gamble": Wilkeitha Washington pleaded guilty rather than fight her charges in order to get out of jail and back to her children.

WHAT HAPPENS IN JUDGE CANTRELL'S courtroom isn't unusual. Nearly everywhere in the country, when a person is arrested, he's taken to a local jail and then appears before a judge, who determines whether charges will be brought against him and, if so, sets the terms of his release. Most of the time, that entails a price: For a felony, the typical amount is $10,000. If a person can afford to pay the full amount, he'll be released immediately and receive that money back from the court if he shows up for subsequent hearings. But 44 percent of Americans would struggle to cover a $400 emergency. For those without resources, the path to freedom lies with a bondsman, who typically charges about 10 percent of the full bail amount to act as the guarantor or surety for the rest. If the defendant can't afford the bondsman's fee up front, many bond companies will set up an installment plan and charge interest. That money will never be refunded to the defendant, no matter how his case is resolved. Bondsmen, however, don't have to pay the court anything when they get a client released: They simply promise to ensure that he will show up in court for later hearings. If the client fails to do so, the bondsman must pay the bail in full, but in practice bondsmen usually crack down on whoever signed the bond—family or friends, in most cases—and force them to pay it instead. In most states, the bail industry has successfully pushed laws that make it very difficult for courts to get full bail amounts from bondsmen. Anyone who can't afford to post bail or pay the bondsman will, like Gisclair, sit in jail until the district attorney makes a decision about whether to go forward with the charges. In New Orleans, that is on average a month for a misdemeanor; for a felony, the average is nearly four months.

"The negative impact of jail starts to accrue after the first 24 hours, and it's really bad by the third day."

—Cherise Fanno Burdeen, CEO of the Pretrial Justice Institute

In the Orleans Parish Prison, most of the inmates haven't been convicted of a crime; they are there awaiting trial. About a third of these people languish behind bars because they can't afford bail. Nationally, arrestees make up 70 percent of the jail population—pretrial detention is a major reason why the United States has the highest incarceration rate in the world. Nearly all of the growth in our jail population over the past 30 years is due to the detention of those not yet convicted of any crime. The number of Americans sitting in jail without a conviction is larger than most other countries' entire incarcerated population.

Our willingness to lock up legally innocent people has huge—and often dire—consequences for those who are arrested. Jail keeps them from their work and family responsibilities, which in turn leads to missing rent and car payments. Those who end up detained, after all, have median incomes that put them in the poorest one-third of the country. Missing even a few days of work can be catastrophic. "The negative impact of jail starts to accrue after the first 24 hours, and it's really bad by the third day," says Cherise Fanno Burdeen, CEO of the Pretrial Justice Institute.

And the pernicious effects of being jailed don't stop there. Those who are detained before trial are far more likely to plead guilty—a desperate attempt to regain their freedom, even if temporarily—and end up being sentenced to serve time. Wilkeitha Washington, known by her friends as Keedy, has a gregarious demeanor that doesn't fade when she recounts her time in the Orleans Parish jail. But the pain she's experienced is still evident. After she was arrested for cocaine possession, her bail was set at $5,500—more than she could pay, so Washington sat in jail for weeks. But "jail" is hardly the right word to describe the facilities. The inmates were housed in outdoor tents with scarcely any protection from the elements. "Mosquito bites, rats, roaches.... Anything could bite us," she recalls. "A dog don't like to be in a cage, so just picture a human being in a cage." When Washington had to decide whether to plead innocent and take her case to trial or plead guilty and get out of jail then and there, she chose the latter. "I know if I really try to fight this, I could probably win," she says. But by giving up, she was guaranteed to go home and return to her four children. Washington got out of jail, but she later went back behind bars to serve out her sentence.

MONEY BAIL DATES BACK TO MEDIEVAL ENGLAND. Those accused of crimes were allowed to go free so long as a family member or associate promised to act as "surety" to the court on the accused's behalf. If the accused fled and shirked the payment to the injured that was a typical sentence for most crimes, the surety would be responsible for making the restitution instead. From its earliest days as a British colony, the United States followed English bail laws.

America's commercial bail-bond industry developed out of the reality that few people on the frontier could act as sureties. But the intent was the same. "For literally centuries, the only purpose of bail was to ensure a person's return to court," says Insha Rahman, project director at the Vera Institute. Then the crime waves of the 1970s sparked a nationwide obsession with law and order in the 1980s, and the rationale for bail shifted to detaining people who could pose a risk to public safety. That approach was solidified with a 1987 Supreme Court decision that upheld the Bail Reform Act of 1984, which allowed courts to consider public safety when setting the terms of release.

Bail amounts started to swell, meaning that more people were being detained for an inability to pay and more were pushed into the arms of the bail-bond industry. Yet nearly anyone with the funds, dangerous or not, could still put up the money to secure their freedom. In 2009, Telly Hankton, whom New Orleans police called the most dangerous criminal in the city, was given a $1 million bail for a murder charge. Hankton got a bond and secured his release—and while he was out of jail, he gunned down a rival.

Bail-bond companies can set nearly any condition on a client until the case is resolved, from daily check-ins to drug tests, without facing much regulation. And they often tack on additional costs. A lawsuit filed in June against Blair's Bail Bonds—owned by Blair Boutte, one of the most politically well-connected bondsmen in New Orleans—accused the company of charging hundreds of dollars in extra fees and requiring clients to wear ankle monitors. The plaintiff was allegedly made to wear such a monitor, charged $10 a day for it, and then kidnapped by bondsmen in order to extort money from him and his mother.

If a client refuses any of these terms or misses a payment, the bondsman can threaten to forfeit the bail, which could land the client back in jail. Even if they don't go this route, bondsmen will often make harassing phone calls and eventually turn the sum owed over to debt collectors.

The bail-bond industry insists that its services are necessary to ensure that people return for their court appearance. But studies haven't found a clear correlation between appearance rates and being released on bond versus being released on one's own recognizance (that is, allowing a defendant to go free with a promise to return to court and obey the law in the interim). And bondsmen aren't responsible for assessing someone's risk to public safety when they decide to bail him out; nor must they ensure that the client abides by the law after being released. "There is no standardized practice for what is good pretrial supervision," Rahman says. "We're letting for-profit companies do a job that is probably better the responsibility of the state." The United States is one of just two countries in the world that allow a for-profit bail industry. (The other is the Philippines.)"The fact that we have a show called *Dog the Bounty Hunter*"—a reality-TV series about a man who tracks down people who owe bondsmen—"is a uniquely American phenomenon," Rahman points out.

On the street: "All our members is affected by [cash bail]," says Alfred Marshall of Stand With Dignity.

"We're letting for-profit companies do a job that is probably better the responsibility of the state."

—Insha Rahman, project director at the Vera Institute

BALD, WITH A THIN SALT-AND-PEPPER MUSTACHE, Alfred Marshall is an organizer at Stand With Dignity, an organization that champions economic opportunities for New Orleans's black residents. In that role, he's become deeply familiar with the world of bail bondsmen; as we drive around the predominantly black Central City neighborhood, nearly everyone that Marshall greets has their own story of being bailed out. "All our members is affected by this," he tells me. Bail disrupted Marshall's own life last year, when his brother was arrested. The judge set his brother's bail at $50,000. Though Marshall had some money saved, he had nothing like that sum. He couldn't even afford the $6,300 that a bail bondsman wanted to get his brother out. "I had to use all of my resources I had in the bank; I had to go to friends, borrow from them," Marshall says. Even so, he was able to piece together only $4,200, and agreed to pay the bondsman $500 a month until the remainder was covered.

Marshall thought he could keep up his end of the bargain if his brother went back to work and the two split the monthly cost. But his brother's employer found out

At the courthouse: In 2015, 87 percent of defendants in New Orleans criminal court had to post bail in order to be released.

BRYCE COVERT (2)

about the assault charge and fired him, and Marshall stopped making payments. Two months into their ordeal, the charges against his brother were dropped. But that didn't cancel Marshall's debt: He still owed in excess of $2,000. The bail bondsman threatened to sue him for the money owed, garnish his wages, even have his brother thrown back in jail—all of which is legal. "What you get from them is constant phone calls, threatening calls," Marshall says. "They persistent, they persistent, they persistent."

Bail bondsmen may look like a diverse group of small-business owners, but almost all are underwritten by nine large insurance companies, including Japan's Tokio Marine America, Canada's Fairfax Financial Holdings, and the Bermuda-incorporated Randall & Quilter Investment. Given how rarely bondsmen have to pay the courts, it's an incredibly low-risk business.

The kind of money that Marshall and his brother represent to the bail-bond industry—which rakes in $2 billion annually—has made it a vocal opponent of reform. "[T]his is the direst time our industry has ever faced," wrote Beth Chapman, president of the Professional Bail Agents of the United States (and Dog the Bounty Hunter's wife), in her July newsletter to members. "We can no longer be reactive in these fights.... [I]f we work together, we can beat this anti-bail wave that is crossing our country." The bail industry spent a total of $1.7 million in 10 states—all of which had active bail-reform campaigns—during election cycles from 2010 to 2016. The American Bail Coalition has close ties to the American Legislative Exchange Council, a conservative group that disseminates model legislation, including pro-bail-industry laws, to state legislatures.

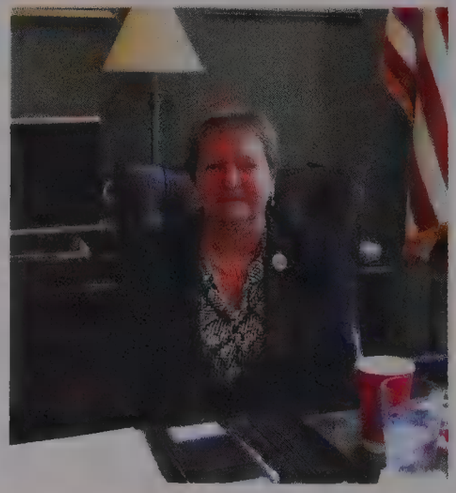
"This is the direst time our industry has ever faced. If we work together, we can beat this anti-bail wave that is crossing our country."

—Beth Chapman, president of the Professional Bail Agents of the United States

In New Orleans, the industry is deeply connected to politics. Prominent local figures like Blair Boutte can mobilize voters. Flyers for mayoral and City Council candidates litter a table just inside Boutte's office. Judges—who are elected in Louisiana—rely on industry money for their campaigns. Those same judges set the bail amounts that their donors rely on to turn a profit.

The injustice of cash bail has struck the country in waves over the years. In the 1960s, Attorney General Robert F. Kennedy and the Vera Institute worked to increase the number of people released on their own recognizance. Four states had essentially banned the use of bondsmen by the 1970s. But the bail-bond industry fought back hard. The crime waves of the '70s largely pushed reform off the radar, and, for the most part, bail practices worsened.

Then, in 1992, the District of Columbia passed the Bail Reform Act, which effectively ended cash bail. In recent years, the pace of change has picked up. In 2011, Kentucky directed judges to release all defendants who had received low-risk scores based on an assessment of their criminal records, pending charges, and prior failures to appear in court. In 2014, New Jersey passed legislation that replaces cash bail with a risk assessment that allows defendants to be released on their own recognizance unless they are deemed a safety risk. Six months after the measure took effect, preliminary data showed that the share of people sitting in jails awaiting trial fell by nearly 33 percent compared to two years earlier. Connecticut passed similar reforms earlier this year.



Allies in office: New Orleans Councilwoman Susan Guidry led efforts to end cash bail for municipal offenses.

Even as New Orleans serves as an example of how twisted the bail system is, it has also become a champion of reform. In January, the City Council passed an ordinance eliminating money bail for most municipal-level offenses—misdemeanor charges like disturbing the peace or public intoxication. Now, 29 charges automatically result in a defendant's being released without having to post bail. For more serious offenses, such as battery or domestic violence, a defendant is always held in jail until a court hearing. These reform efforts began in 2015, and they involved months of educating local lawmakers about the issue. "Very few members of our City Council had a criminal background," says Nia Weeks, director of policy and advocacy at community-based nonprofit Women With a Vision. "They didn't have the proximity of what it means to be somebody maneuvering through the system." Women With a Vision joined with the ACLU, Vera, and the Orleans Parish Prison Reform Coalition and found a champion in Councilwoman Susan Guidry. A compact woman with a quick laugh, Guidry points to her forehead and jokes that she was picked as the lead sponsor of the reform bill because "there's a sign right here that says 'sucker.'" After months of agitation, the legislation passed the full council unanimously. It's too soon to assess the full impact of the ordinance, but to Guidry, one thing is clear: "Is it keeping people out of jail? Yes."

The ordinance doesn't touch state-level offenses, the kind that land people in Judge Cantrell's courtroom. But advocates plan to push for the same reform in other cities and then to secure it at the state level.

THE SEEDS OF TODAY'S WAVE OF REFORM WERE planted by a Justice Department symposium on pretrial detention in 2011, which shined a federal spotlight on the issue 50 years after the first national conference on the topic, in 1964. But it took the stories of people like Kalief Browder, a teenager who spent three years in New York City's Rikers Island jail because his family couldn't afford his $3,000 bail, and who later took his own life, and Sandra Bland, who was taken into custody in Texas after being pulled over for failure to signal and couldn't afford bail, and who hanged herself while in jail, to illuminate the horrors of the bail system.

Recently, lawsuits challenging money bail have spread across the country. Many of the cases have been spearheaded by Alec Karakatsanis, who worked as a public defender for four and a half years before focusing on fighting back against what he calls mass "human caging." He brought his first money-bail case, against Clanton, Alabama, in early 2015. The organizations that Karakatsanis works with have filed at least a dozen suits challenging bail, with 10 already settled in their favor. While Karakatsanis argues that the impact has been limited, there have been victories. After he filed a class-action lawsuit against Cook County, Illinois, the county's chief judge issued an order that eliminated the practice of setting bail amounts so high that people end up in jail.

Organizations whose members have first-hand experience of bail are also driving reform efforts, in part by establishing community bail funds. In 2007, the Bronx Freedom Fund started posting bail for people in Bronx criminal

court; when a defendant shows up for his court date and the court returns the money to the fund, it can pay another person's bail. After seven people were arrested at a vigil for a black 17-year-old killed by police in 2014, Sharlyn Grace and other activists founded the Chicago Community Bond Fund. So far, the fund has bailed out 95 people. Grace cautions that the fund functions as a Band-Aid on a larger wound, so her group also pushes for systemic change. "We don't think we should have to exist," she says. "The level of difference that a bail fund can make is going to be so small compared to the level of the problem." But bail funds serve as proof that the system is broken. "When a charitable organization pays that bail and [the defendant] appears in court every single time, it's telling us that this person didn't need their own money wrapped up in the case to appear in court," says the Vera Institute's Rahman. Ninety-seven percent of the Bronx Freedom Fund's clients attend all required court appearances.

This year brought another innovation: the bailout day. A group of organizations, including Southerners on New Ground, the Movement for Black Lives, and Color of Change, put together a "Momma's Day Bailout" during which they solicited donations that they used to bail out black mothers and caregivers on Mother's Day. The organizations tied the event to that holiday because "we as a society value mothers, but these are definitely not the kind of mothers we value," says Arissa Hall, project manager for the National Bail Fund Network. The group anticipated it would raise enough to bail out 30 people. Instead, it raised more than $1 million and posted bail for over 100 people in 13 different communities. Fueled by that success, the group organized a bailout on Father's Day for about 30 people, and another in August. The coalition intends to move to a permanent structure that would resemble a national bail fund.

"We don't think we should have to exist. The difference that a bail fund can make is so small compared to the problem."

—Sharlyn Grace, Chicago Community Bond Fund

Meanwhile, legislative efforts to get rid of money bail are gathering steam in states as varied as Arizona, California, Nebraska, and Texas. Many of these efforts are bipartisan, and members of Congress on both sides of the aisle have taken notice: Senators Kamala Harris and Rand Paul introduced a bill earlier this year to provide states with grants to reform their bail practices.

No single approach will spell the death of money bail. The justice system is too decentralized for such a blanket fix, and since Donald Trump has taken office, some things have moved backward: Cherise Fanno Burdeen reports that the Department of Justice told her that the Pretrial Justice Institute could no longer use DOJ grant money for their Pretrial Justice Working Group. But the movement is stronger than it's ever been. "I've been doing criminal-justice work for the last 15 years, and I've never seen this kind of attention," Rahman says.

In the meantime, people like Brian Gisclair bear the costs. Asked what the biggest consequences of his time in jail were, he answers: "Missing out on time with the kids, other job opportunities that would have came. I don't want other people to have to go through that." That's why he joined the lawsuit against Cantrell. "It just seems to me they want you stuck in there," he says. "Seems like it's all about money to them." ■

Bryce Covert is a contributor at The Nation *and a contributing op-ed writer at* The New York Times.

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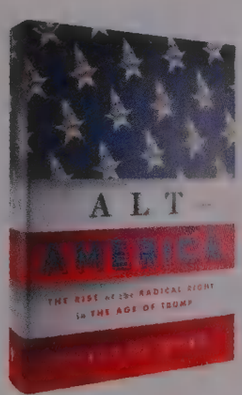

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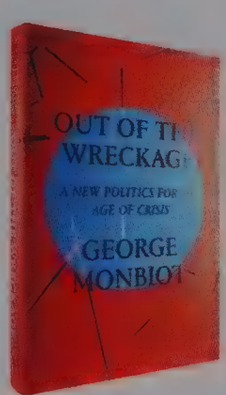

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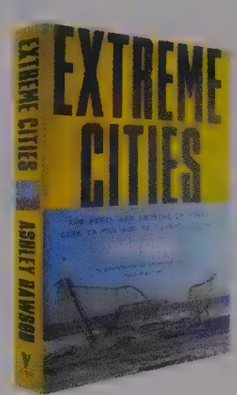

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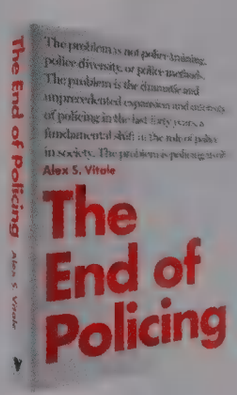

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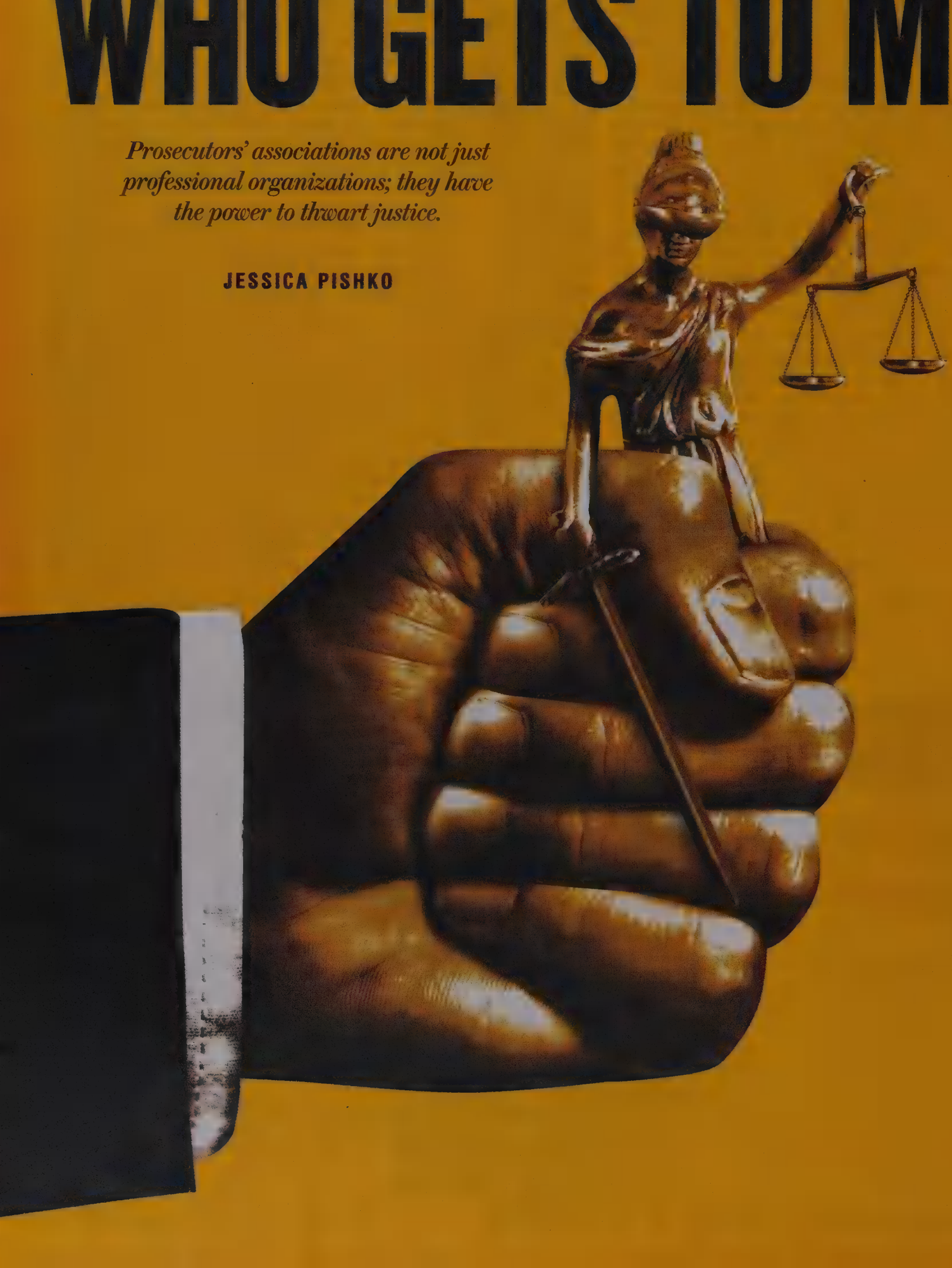
WHO GETS TO MA

Prosecutors' associations are not just professional organizations; they have the power to thwart justice.

JESSICA PISHKO



E THE LAW?

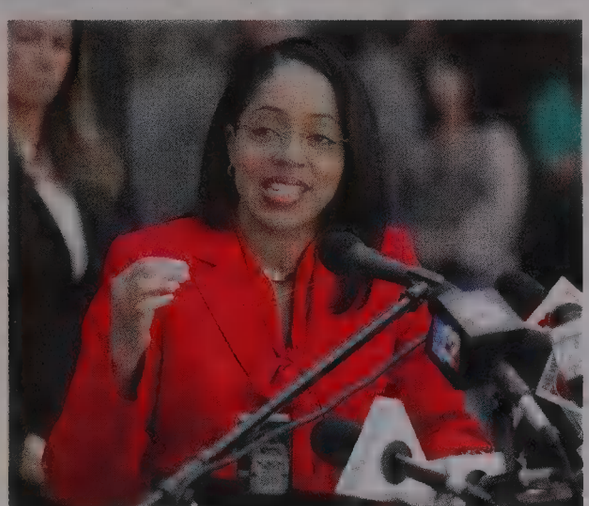
ON MARCH 16, ARAMIS AYALA, THE FIRST BLACK STATE attorney for the Ninth Judicial Circuit in Florida, which includes Orlando and Orange counties, took the podium in front of the Orange County Courthouse and announced that her office would no longer seek the death penalty. "I have determined that doing so is not in the best interest of this community or the best interest of justice," Ayala said, explaining that she'd based her decision on a host of factors, including the high costs of death-penalty prosecutions, the lack of a deterrent effect, and harm to the victims' families. "I do understand this is a controversial issue," Ayala concluded. "But what is not controversial is the evidence that led me to my decision."

The impetus for Ayala's announcement was the trial of Markeith Loyd, who was accused of shooting his pregnant ex-girlfriend in her home as well as a police officer in a Wal-Mart parking lot. Witnesses saw Loyd firing multiple rounds into the officer's prone body. The killing inspired particular ire among law-enforcement leaders, who demanded the death penalty alongside the Florida attorney general and some lawmakers.

Opposition to Ayala's death-penalty ban came swiftly. Florida Governor Rick Scott removed her from the Loyd case and then went a step further, removing Ayala from all of the capital cases in her district—more than two dozen—and reassigning them to Brad King, the state attorney for the neighboring Fifth Judicial Circuit. King, a former sheriff's deputy, is a steadfast supporter of capital punishment. Ayala's choice also put Florida's other elected state attorneys in an uncomfortable spotlight: Many were quick to condemn her, supported by law enforcement and victims'-rights advocates. Someone sent her a noose in the mail along with racist messages, and a court employee wrote on Facebook that Ayala should be "tarred and feathered if not hung from a tree." Later, she was pulled over by an Orlando cop and subjected to intrusive and skeptical questioning. (A video of the encounter later went viral.) One former state attorney predicted that Ayala's decision would lead to a huge spike in murders, saying on the local news that "I, frankly, was flabbergasted.... When you don't have a death penalty, bad things happen."

Brad King.

Among those opposing Ayala was the Florida Prosecuting Attorneys Association, a professional organization that includes the state attorneys from every judicial circuit in the state. In addition to providing resources and training for prosecutors, the FPAA provides testimony before the State Legislature, lobbies for or against pending bills, and writes amicus briefs. After Governor Scott announced that he would remove Ayala from all of her capital cases, she sued to stop him, arguing that he was constitutionally prohibited from doing so. Officially, the FPAA has no position on capital punishment, but in May the organization filed an amicus brief siding with Scott and arguing against Ayala, a dues-paying member of the association. The FPAA brief said that Ayala had violated the separation-of-powers doctrine by effectively setting her own policy. (At the end of August, the Florida Supreme Court ruled against Ayala in a split decision.)



Under fire: Florida State Attorney Aramis Ayala faced retaliation after deciding that her office would no longer seek the death penalty.

Before the amicus brief was filed, I spoke with former FPAA president Glenn Hess, the state attorney for the 14th Judicial Circuit, who explained the organization's purpose to me. "At the FPAA, our job as prosecutors is not to make law," Hess said. "It is to take the law the Legislature makes and enforce [it] in the state." An investigation by *The Nation*, however, tells an entirely different story. Not just in Florida but nationwide, district attorneys' associations are powerful political actors. They do not just "enforce" the law; in fact, they help to *make* it.

"In state after state, we've seen DA associations hold back reform."

—Udi Ofer, director of the ACLU's Campaign for Smart Justice

DISTRICT ATTORNEYS' ASSOCIATIONS EXIST IN most states. They consist of dues-paying members—generally the lead prosecutors from every county or district in the state—and have bylaws, like most professional groups. As professional organizations, they also have nonprofit status; their activities include public education and training as well as lobbying.

For the most part, these prosecutors' associations adopt a "tough on crime" stance, advocating for legislation that would give them greater discretion to lock people up. "They all too often act as a roadblock to significant reforms," says Udi Ofer, director of the Cam-

RIGHT: AP IMAGES / JOHN RAOUX

ILLUSTRATION BY **DOUG CHAYKA**

paign for Smart Justice at the American Civil Liberties Union. "In state after state, we've seen DA associations hold back reforms that are supported by Democrats and Republicans alike."

According to Fordham University law professor John Pfaff, prosecutors are the single most important factor in the increase of prison populations, because they tend to file charges even when the evidence suggests that someone should go free, and generally pursue the harshest sentence they can get. District attorneys and county prosecutors can opt to drop charges—for example, by refusing to prosecute marijuana possession—or to favor pretrial intervention. But Pfaff found that between 1994 and 2008, even as crime and arrest rates fell, the number of felony charges filed by prosecutors increased. From this data, he concluded that prosecutors were driving the phenomenon of mass incarceration through punitive charges and penalties.

Prosecutors have one big reason to protect harsh sentencing: Today, around 95 percent of federal and state criminal cases end in a plea bargain. Such agreements, in which the defendant pleads guilty in exchange for a fixed sentence, avoid the time and expense of a jury trial, making it faster and cheaper for prosecutors to close cases. And the more draconian the punishments that a prosecutor has at her disposal—high mandatory minimums, say, or the ability to charge a youthful offender as an adult—the more leverage she has to persuade someone to take a plea bargain instead of risking a trial.

Tense encounter: Footage of Orlando police pulling Ayala over went viral—an indication of how her attempts at reform have put her in the crosshairs.

In the last year or so, criminal-justice reform has topped the legislative agenda in several states, from conservative Florida and Louisiana to liberal California, and advocates for reform exist across the political spectrum, from the conservative Right on Crime, the Koch brothers, and former House speaker Newt Gingrich to the ACLU and Black Lives Matter. In response, prosecutors' associations have pushed legislators hard to reject such reforms. And, in most cases, they have succeeded.

The more draconian the punishments that a prosecutor has at her disposal, the more leverage she has to force a plea bargain.

In Florida, the FPAA's general counsel and lobbyist of 47 years is Arthur "Buddy" Jacobs. He lives in Fernandina Beach, an exclusive community on the state's northeastern tip. An article in the *Fernandina Observer*, the local paper of record, describes Jacobs—pictured in a glaringly white suit and straw hat—giving an eloquent dedication speech at a brass-band ceremony unveiling a $100,000 restored train depot. A history buff, Jacobs reminisced on the Confederate past of his adopted hometown and thanked the others who helped him preserve locally well-known landmarks.

Jacobs has had a bit of trouble with the law himself, making him a controversial figure among the prosecutors he represents. In 1991, he was indicted for his role in manipulating St. Louis municipal bonds. After entering a diversion program and paying a hefty fine, he was accused of the same behavior, this time in Fernandina Beach. He managed to escape unscathed, but money troubles followed him everywhere. In 2007, the 11th Circuit found Jacobs guilty of willful tax evasion based on his profligate spending and disdain for paying taxes. An appeals court issued an opinion holding that "the record overwhelmingly shows that Mr. Jacobs willfully attempted to evade or defeat his taxes," and noted that the record was replete with "badges of fraud." Former Jacksonville state attorney Harry Shorstein, who has known Jacobs since college, wanted the FPAA to fire him in the 1990s. "Some of us felt that we didn't want to be represented by someone under federal indictment," Shorstein said.

Preserving history is one of Jacobs's gentlemanly pastimes, but he is himself a living anachronism. In his nearly half-century of work with the FPAA, he has lobbied for mandatory minimum sentences, lobbied against legislation that would allow juvenile offenders to remain in juvenile court, and opposed open-records laws. Most recently, he was the primary author of the FPAA's amicus brief opposing Ayala on the death penalty. He appears to have taken little of the new science on juvenile development into consideration, or the fact that, according to the Pew Research Center, support for capital punishment is declining across the political spectrum. (Currently, it hovers at 49 percent, down from 80 percent in the mid-1990s.)

Prosecutors are part of this trend, too: Their use of the death penalty has been in steep decline in recent years. But Florida has maintained a troubled relationship with the practice, and it now has the second-largest death row in the nation. A report by the Fair Punishment Project counted five counties in Florida among the nation's 20 "most deadly." In Jacksonville, the previous state attorney, Angela Corey, held the dubious distinction of winning the most death sentences in Florida. Nationwide, black people are disproportionately sentenced to death, and there is even social-science research to suggest that the more "stereotypically black" someone looks, the more likely he is to receive a death sentence. Indeed, the majority of death sentences are handed down in the region that had once been the Confederate States of America.

Last year, the Florida Supreme Court held that the state's death-penalty statute—which allowed people to be condemned to death by a non-unanimous jury verdict—was unconstitutional. All executions were placed on hold until the Florida Legislature revised the statute to conform with the State Supreme Court's ruling. Yet there is still some debate about the fate of those currently on death row who were sentenced by non-unanimous verdicts—about 75 percent of the 396 people there.

Throughout Florida's death-penalty controversies, Jacobs and the FPAA have fought to prevent reform. This past February, when the Florida Legislature was considering its first round of fixes to the unconstitutional death-penalty statute, Jacobs urged it to push through the necessary changes and resist further reforms, in line with his belief that the death penalty is a deterrent and that jurors are "too compassionate." As he exhorted lawmakers, "This is a real crisis in the criminal-justice system, and it's a real crisis for the victims' families of these terrible, terrible crimes."

Stephen Harper, a professor of law at Florida Inter-

national University, emphasizes that Jacobs and the FPAA are quite simply behind the times. "For 35 years," Harper said, "the FPAA has had unfettered discretion on criminal-justice policy.... If you look at polling and changing demographics, I don't think the FPAA are in touch with the attitudes of Floridians."

Ironically, the FPAA's brief against Ayala arguably runs counter to its members' own interest in maximizing prosecutorial discretion. (The FPAA also ran into a bit of trouble when it turned out that large portions of its brief were plagiarized from a blog post.) David Sklansky, a law professor at Stanford University who studies the role of prosecutors, described this in an e-mail to me as "odd." Sklansky added: "It's also odd that they accuse [Ayala] of 'using her own moral code' when she spelled out, explicitly, her reasons for deciding not to seek the death penalty, and none of them had to do with 'her own moral code.'"

Because she's officially a member of the group, the FPAA did send the amicus brief to Ayala before filing it. She responded by e-mail:

> Despite being a dues paying member of the FPAA, I am unaware of the process by which this Brief was developed.... It is beyond clear based on the timing, tone and content of this brief that you are not truly interested in my opinion but rather checking a box in the event you get asked about it later. Your complete failure in genuinely engaging with me on this matter has been deeply disappointing given what's at stake for all of us.

When I circled back with former FPAA president Hess, he described what Ayala did as a "violation of the Constitution" and added: "If she had just kept her mouth shut and said nothing, we wouldn't be talking.... And if she wants to change the law and run for the Legislature, I will send her $100." When I asked about the perception of race in the dispute, he asserted that "nobody cares if she's black, Latino, Oriental, or Asian."

The death penalty may be Florida's highest-profile issue concerning criminal-justice reform, but it's not the only one on which the FPAA has been active. In 2001, Jacobs opposed legislation similar to laws existing in several other states that allow first-time drug offenders to get treatment in lieu of jail time. In a brief, he wrote that the proposed legislation violated Florida's rules "by taking away and/or severely limiting the prosecutorial discretion of the State Prosecutors of Florida."

In addition to opposing treatment for low-level drug offenders and DNA testing for people seeking to prove a wrongful conviction, Jacobs has consistently opposed reforms to Florida's so-called "direct-file" policy, which currently allows prosecutors to send juveniles as young as 14 directly to adult court without a hearing. As a result of the policy, Florida sends more kids to adult prison than any other state in the country; a 2014 Human Rights Watch report also noted that more than 60 percent had been sent there for nonviolent crimes. Many states, including California, have already begun limiting this practice, based on advances in neuroscience showing that juvenile offenders should be considered less culpable for their crimes and more capable of change. Reports have also shown that people of color account for a disproportionate number of the youthful offenders sentenced as adults. (All 50 states still allow a minor to be tried as an adult after a formal judicial determination.)

Just this past summer, Jacobs called the juveniles direct-filed to be prosecuted in adult courts "bad hardened criminals that wreak havoc over the state of Florida." He went on to claim that "Florida was rampant in juvenile crime. We had juveniles in Miami carjacking tourists' cars and folks getting killed. At a rest stop on I-10, just east of here, we had some folks that were killed at a rest stop by some teenagers out of Tallahassee." (Less than 3 percent of the young people direct-filed to adult court had been accused of murder.)

Even as much of the country—including conservative Florida—moves left on criminal-justice reform, Jacobs and the FPAA remain at the forefront of conservative reaction. In March, I asked Hess whether Jacobs's own legal troubles might affect his position. Ever the Southern gentleman but noticeably annoyed, Hess went on a tirade, concluding that Jacobs could remain in office as long as the 20 state attorneys approved—and, he added, those state attorneys are "all very high-class people." Also, Jacobs had gotten results: "He has been an excellent, excellent member of the FPAA," Hess told me. "His performance has been exemplary."

"The Florida Prosecuting Attorneys Association has had unfettered discretion on criminal-justice policy."

—Stephen Harper, law professor at Florida International University

LOUISIANA, LIKE FLORIDA, IS GOVERNED BY SOME OF the harshest criminal-justice policies in the nation. In fact, Louisiana incarcerates more people per capita than any state in the United States—which incarcerates more people per capita than any country in the world. But in 2015, Louisiana elected a governor who promised, among other things, to reform the bloated prison system and cut costs for the sorely underfunded state.

Governor John Bel Edwards, in conjunction with Pew Research, created a bipartisan panel, the Louisiana

Behind the times: Arthur "Buddy" Jacobs (left) looks like a paragon of Southern gentility—and lobbies for dangerously regressive policies.

Justice Reinvestment Task Force, which included everyone from prosecutors to members of the clergy. The task force generated a report with a list of recommendations intended to reduce the size of Louisiana's prison population, save money, and bring state law in line with other red states, such as Texas and Mississippi, that have had success with decarceration. The report gained the support of business leaders and conservatives as well as Democrats. This session, the Louisiana Legislature passed that list of sorely needed criminal-justice reforms, which included eliminating the sentence of life without parole for juveniles and allowing elderly inmates a chance at release. The reforms were projected to generate some $300 million in savings over 10 years, most of which would be invested in programs to help the people who had been released.

Enter E. Pete Adams, the executive director of the Louisiana District Attorneys Association. "We are for trying to get something done, but not at the risk to public safety," he told a local paper. Once the legislative session started, the LDAA issued its own report opposing every single reform recommendation. The bulk of the LDAA's disdain was reserved for the recommendations that would have permitted some people convicted of violent felonies to have a chance at release. (Most of these concerned inmates who had already served decades in prison.) Another of Adams's major issues was with the definition of "violent" offenders—a category in which he wanted to include some people convicted of nonviolent crimes, because, he argued, they might have had a violent past.

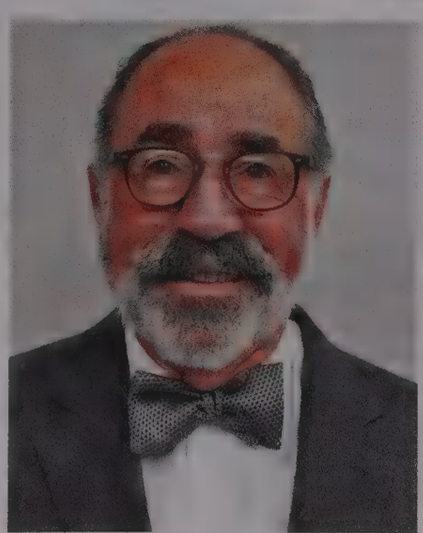
Will Harrell, the founder and leader of Louisianans for Prison Alternatives, argues that "the LDAA's opposition to sensible reform is out of step with our neighboring states, the Louisiana people, and even with the honest opinion of most state legislators. Frankly," he added, "I even believe their voice at the Legislature—Pete Adams—is out of step with the emerging leadership of the LDAA. The problem is, he's very good at hiding the ball and spooking folks in the Legislature, and that's why the LDAA is the most formidable obstacle to reform." This is no exaggeration: From 2012 to 2015, criminal-justice bills backed by the LDAA had an 85 percent rate of passage in the Louisiana Statehouse, while criminal-justice bills it opposed passed only 38 percent of the time.

"If you give a legislator the opportunity to go with either the Innocence Project or their DA, they're going with their DA."

—a Louisiana state senator

Hillar Moore, the ex-president of the LDAA and the lead prosecutor in East Baton Rouge Parish, spoke with me this past spring and was vehement that the LDAA wasn't rejecting the changes outright, but rather wanted to conduct further research and suggest amendments to the bills up for debate. "We've made it clear that we want to work with everyone," Moore said, but "there are some [issues] that are nonstarters for us," including any provision to release inmates convicted of violent crimes. (For his part, Adams refused to comment for this story. I conducted my interview with Moore in April, but he wouldn't comment further after the LDAA's opposition paper was released.)

The association's strategy worked: In mid-May, Governor Edwards announced that he and the prosecutors had reached a compromise. While Edwards attempted to save face by insisting that most of the original reform recommendations had been retained, many key provisions had been gutted, including one that would have eliminated sentences of life without parole for youthful offenders—something that many states have already outlawed and that the US Supreme Court has severely limited.



Good old boy: E. Pete Adams wants to see juveniles tried as adults and denies the reality of wrongful convictions.

COURTESY OF *THE ADVOCATE*

Adams, who is easily recognized by his bow ties and bushy gray mustache, has been the LDAA's executive director for 40 years, representing its interests in the public eye and with the Legislature. He represents the model of old-school, tough-on-crime prosecutors. Yet even as new and younger district attorneys are elected—some of them running on a platform of reform—Adams remains in power, driving LDAA policy. The LDAA has also retained the services of a part-time lobbyist, prosecutor Hugo Holland, who was famous for putting people on death row and has been accused by advocates and higher courts for concealing exculpatory evidence in capital cases. In 2011, Holland and another prosecutor purchased machine guns and patrolled Caddo Parish, pretending to be police offers. Caddo Parish, once known for having the most death-row inmates in Louisiana, was forced to fire Holland, but Adams has kept him on the payroll.

During his tenure with the LDAA, Adams has also argued that the burden of proof necessary for conviction shouldn't be raised; that juveniles should be tried as adults; and that wrongful convictions don't occur in Louisiana—or at least not as many as publicized. As a representative of the LDAA, he has lobbied against eliminating the habitual-offender law, which imposes draconian sentences even on those repeatedly convicted of nonviolent crimes, and he has opposed eliminating life without parole for juveniles convicted of non-homicide crimes, a practice that was deemed unconstitutional by the US Supreme Court in 2010. He has also lobbied for stricter punishments for people who misuse Supplemental Nutrition Assistance Program benefits (i.e., food stamps).

Adams's most passionate efforts, however, have been reserved for the beleaguered public-defender system in Louisiana, which is so underfunded that judges this past spring dismissed cases because there were no lawyers to represent the defendants. The Southern Poverty Law Center filed a lawsuit this year arguing that Louisiana's failure to fund public defenders violated the US Constitution's guarantee of counsel. Yet for Adams, the problem is a misallocation of funds: The public defenders, he argues, need *less*, not more, money. According to multiple sources, Adams meets regularly with the elected public defenders and discourages them from asking for state funding. As Adams told a local paper back in 2002: "You have well in excess of 90 percent of people who find themselves indigent and that number should bear some scrutiny. A reasonable person would question the veracity of that. The hidden assumption is that money solves all problems—I can't answer that. They ought to begin with an analysis of how [public defenders] spend their money." And yet Louisiana is among the poorest states in the nation, with a poverty rate of around 20 percent.

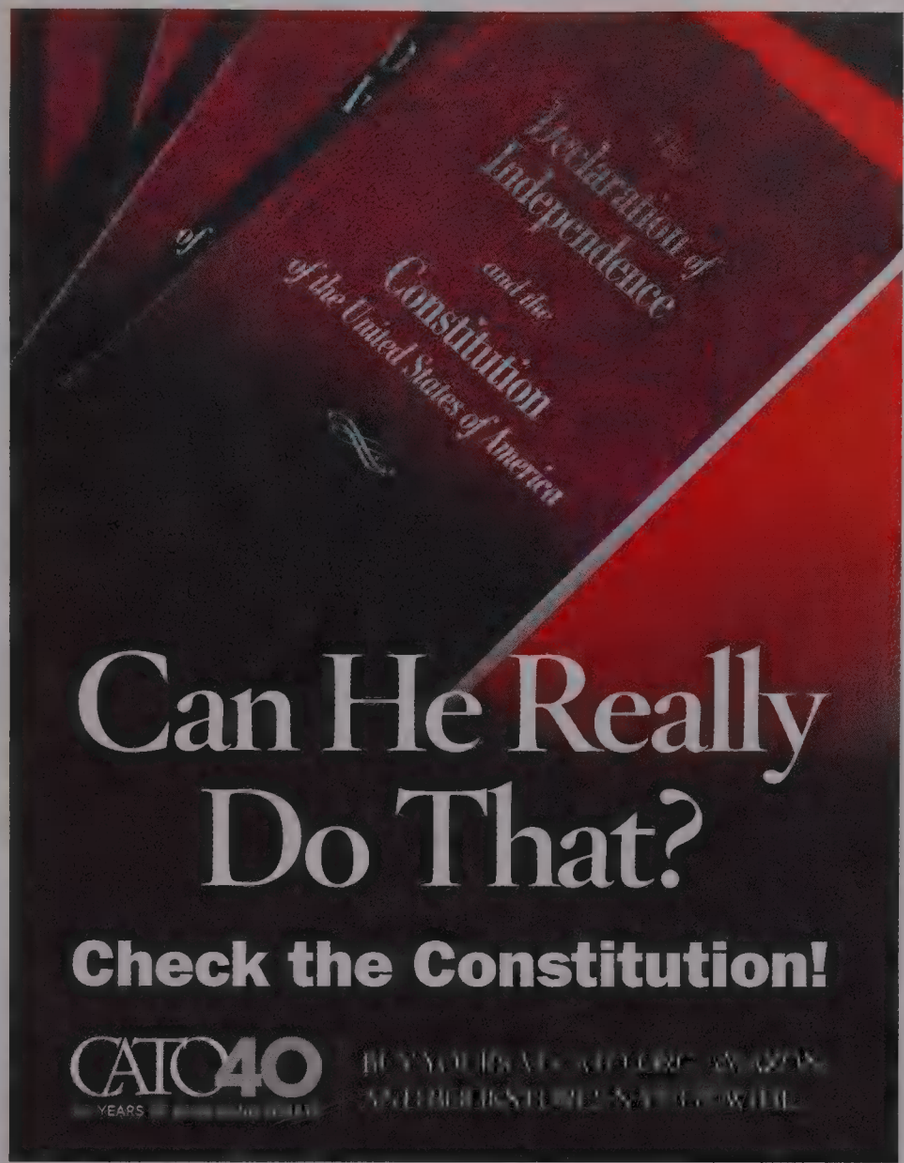
Adams's arguments haven't changed at all in

the past 15 years, even as the public-defender system continues to get worse. Public defender Derwyn Bunton of Orleans Parish has said that the LDAA is "a very active co-conspirator in mass incarceration in Louisiana."

Adams has even attacked the resources that public defenders need to keep up with the cases on Louisiana's death row, a major cost. For Adams, this isn't a problem caused by the death penalty (which Louisiana has considered eliminating but for the opposition of the LDAA and other groups); it's the fault of the public defenders. He has argued that too much money was being "wasted" to defend people facing execution, because those funds went to larger law firms and nonprofit organizations instead of individual public defenders. (The state public defender in Louisiana has flatly declared that the notion of people "getting rich" from their work on death-penalty cases is ludicrous.)

At the same time, the LDAA has increased funding for itself without any noticeable improvement in the quality of criminal justice. Just a few years ago, for example, the LDAA requested authorization from the Legislature to establish internal debt-collection agencies to extract payments of court fines and fees from defendants—with a 20 percent premium being kept by the prosecutors. In 2016, the LDAA pushed for passage of a bill that would have authorized a private corporation to operate an automated system to read license plates and issue tickets in nine parishes statewide, with 30 percent of the proceeds reaped by district attorneys, and the remaining 70 percent being split by sheriffs, the corporation, and other parties. Prosecutors across the state also abuse what are known as "diversion fees": unregulated monies paid to avoid prosecution. For instance, according to the office of Louisiana's legislative auditor, which collects information reported by the parishes themselves, the 18th Judicial Circuit reported $1.19 million in diversion-fee income from just 132 participants. And according to the 2016 legislative auditor's report, more than 30 percent of the income from the state's district-attorney offices comes from fines and fees; in some parishes, over 50 percent of the income comes from diversion fees and tickets. Finally, Louisiana's prosecutors are known for their own legal troubles: In 2016 alone, three of Louisiana's 42 elected district attorneys were convicted on corruption and other criminal charges.

Even so, Louisiana's DAs hold particular sway over public opinion as representatives of justice and experts on law and order. Flozell Daniels, who was a member of the Louisiana Justice Reinvestment Task Force and is now the CEO and president of Foundation for Louisiana, puts the state's struggles with criminal-justice reform squarely on the backs of prosecutors, and the



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LDAA in particular. In a guest column for the New Orleans *Times-Picayune*, Daniels noted that "the District Attorney Association representative on the task force supported the overwhelming majority of the recommendations," arguing that the LDAA is dissembling when it paints the task force's reform recommendations as radical. And his view is supported by polling in Louisiana, which suggests that the vast majority of residents want reform, including business leaders and conservatives.

But the prosecutors persist, because they can win. As a Louisiana state senator observed when criminal-justice reform was on the table in 2012: "If you give a legislator the opportunity to go either with the Innocence Project or with their DA, guess what? They're going to vote with their DA."

The influence of district attorneys' associations extends beyond the usual list of red-state suspects. In California, for example, prosecutors sued last year to prevent Proposition 57—a suite of progressive changes to the state's criminal law, including reduced sentences—from moving forward. The California District Attorneys Association (CDAA) argued that Governor Jerry Brown violated a recently enacted law requiring a new comment period after substantial revisions. (Brown's office argued that the prosecutors had been given a day to consider the revised bill.) Proposition 57 is designed to decrease the state's prison population by making more criminal charges punishable by serving time in county jail and by offering some long-serving inmates the chance to make parole earlier. The law, which voters overwhelmingly approved last November, also eliminates giving prosecutors the power to send juvenile offenders directly to adult court.

The CDAA has long opposed legislation that would result in lesser penalties, going back to the change in California's draconian "three strikes" law in 2012. Since the passage of Proposition 57 and other laws like it, the fearmongering has reached a fever pitch, with prosecutors asserting that reducing the sentences for those convicted of nonviolent crimes would result in communities being inundated by the homeless and drug-addicted. (A representative for the CDAA refused to comment for this story, writing in an e-mail: "Most all of the prop [*sic*] 57 information was well Covered [*sic*] by the press. I'm not going to get back into it.")

Rectifying wrongful convictions is yet another reform that prosecutors have resisted. Earlier publications by the CDAA include a 40-page rebuttal to a report by the Northern California Innocence Project showing a significant degree of prosecutorial misconduct in cases of wrongful conviction. Currently, the CDAA is requesting changes to legislation that would reduce the imposition of cash-bail requirements, which has already passed the State Senate and awaits approval in the Assembly. As the ACLU's Udi Ofer observes, "No matter whether it's a red state or blue state, DA associations are guided by the same principles—mainly seeking to maintain their members' unfettered powers."

The Louisiana District Attorneys Association has increased funding for itself without any improvement in the quality of criminal justice.

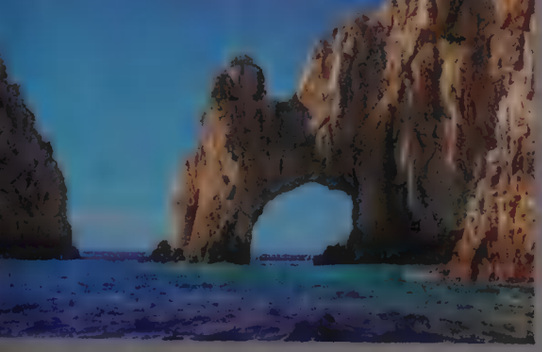
There is also a National District Attorneys Association, which is led by Mike Ramos, the Republican DA from San Bernardino, California. While not officially affiliated with the state-level prosecutors' associations, it has taken similarly aggressive stances. In September 2016, the President's Council of Advisors on Science and Technology issued a report, "Forensic Science in Criminal Courts," offering findings on several types of forensic evidence commonly used in courts that have now been discredited by scientists. The PCAST report found that the use of bite marks and shoe prints had no evidentiary basis. The NDAA immediately issued a rebuttal arguing that the report was "scientifically irresponsible," even though the council was composed of many experts in their fields. The NDAA has also received a direct boost from the Trump administration: Upon taking office, Attorney General Jeff Sessions declined to renew the National Commission on Forensic Science, which was chartered under the Obama administration. The NDAA applauded the decision.

Thus far, Sessions has proved more than friendly to the interests of prosecutors' associations, even as voters appear increasingly inclined to take the ramifications of mass incarceration more seriously. In May, Sessions issued a memorandum to federal prosecutors requiring them to "charge and pursue the most serious, readily provable offense." This is a direct reversal of the Obama administration's policies, which generally allowed federal prosecutors to exercise discretion in charging and sentencing. Sessions has implied much the same policy when it comes to marijuana, indicating that he will reverse the Obama administration's policy of not interfering in states that have legalized pot use. (Sessions even once said that he supported the death penalty for pot dealers.)

While they apply only to federal prosecutors, Sessions's directives—along with his reliance on rhetoric from the War on Drugs—have given new relevance to the words of people like Pete Adams and Buddy Jacobs, another set of throwbacks. Like Sessions, Adams and Jacobs grew up in the Jim Crow South and established their careers in the early years of the 1980s tough-on-crime era. Yet they have remained in power ever since, part of a good-old-boy system that has protected the consolidation of prosecutorial power and opposed anyone who seeks to dilute it.

Already, Sessions has toured multiple cities that he has deemed "violent" to provide backing for those prosecutors willing to come down hard on groups of people—such as gang members and undocumented immigrants—who are easy to isolate and already have a negative profile. Baton Rouge is among the 12 cities that Sessions chose as part of his fledgling initiative (Chicago and Baltimore didn't make the list). The rhetoric of Sessions and his boss, Donald Trump—depicting a scourge of black and brown people overtaking urban areas—makes the efforts of reform-minded prosecutors like Ayala more difficult, even as it emboldens hard-liners. District attorneys' associations may be championing the criminal-justice policies of the past, but under Trump's administration, they could enjoy a new lease on life. ■

Jessica Pishko is a San Francisco–based writer for the Fair Punishment Project. She has also written for Rolling Stone, Pacific Standard, *and* San Francisco *magazine.*



Join AI-JEN POO

The executive director of the National Domestic Workers Alliance, Ai-jen Poo is an award-winning activist and a leading voice in social-justice organizing. A MacArthur Foundation "genius" fellow and one of *Time* magazine's 100 Most Influential People in the World, Poo was instrumental in the passing of New York State's Domestic Workers' Bill of Rights. This law was the first in the United States to guarantee domestic workers basic labor protections like overtime pay, paid leave, and legal protections from harassment and discrimination. On the cruise, she'll share insights gleaned from this victory and talk about how to confront issues of social justice and labor rights in the age of Trump.

We'll also be joined by Victor Navasky, the Rev. Dr. William J. Barber II, Stephen F. Cohen, Joan Walsh, Eric Liu, George Goehl, Calvin Trillin, and award-winning entertainers William Bolcom and Joan Morris.

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(continued from page 2)

source that uses it incorrectly, sometimes by the magazine itself. For example, Michael Kazin has written a book, *War Against War: The American Fight for Peace* (reviewed in that issue in "The War to End All Wars"). In the editorial on the Las Vegas massacre ["WMDs in Las Vegas"], the author speaks of the "danger to American lives." In the column on the football protests, "Citizenship on Its Knees," the author speaks of the "American flag."

This misuse of the term began very early in our history, I realize. As our tendency toward empire has grown, we've more and more used the term "American" to mean the United States and the United States alone. However, despite the fact that this has been going on for centuries, we really need to begin a path away from this insulting and empire-driven habit.

GENEVIEVE BEENEN
SHEBOYGAN, WIS.

Digital Redistricting?

Barry Yeoman's article "Democracy on the Line" [Oct. 16] quotes North Carolina Republican State Representative John Torbett as saying, "I'm not aware of a way [to redistrict] and have it not be partisan." Torbett's claim is bunk and should be recognized universally as such. If computers can be programmed to create highly partisan districts, as the GOP has done, they can also be programmed to produce nonpartisan districts. With most precincts already assigned to a single town and/or county, the computers can be given only precinct populations—and no other data. With this unbiased input and the machines programmed to produce compact equal-population districts, we should get minimal splits of towns and counties, and districts that favor the voters, not the politicians.

Having politicians or even "independent bodies" do redistricting is a holdover from the pre-computer era. Using "unbiased" computers is the modern way to do it, and it's a redistricting method that needs to get far more consideration and eventual universal implementation.

THOMAS MCKEE
CARY, N.C.

A Worthy Candidate

This is the first time I've written to *The Nation*. I enjoyed reading your review of the George McGovern biography ["The Last Populist," Aug. 28/ Sept. 4]. To me, McGovern was one of the most decent and honorable men ever to run for president. I feel that he was responsible for making the Democratic Party more democratic. In many ways, his efforts to form a new coalition of working women, minorities, and young people paved the way for Barack Obama and almost elected Hillary Clinton in 2016; they also made possible the likes of Jesse Jackson, Tom Harkin, Paul Wellstone, Russ Feingold, and Nancy Pelosi.

Meanwhile, Eric Alterman's article "The Hatreds They Share" [Sept. 11/18] is on the money. Alan Dershowitz, Joe Lieberman, and Benjamin Netanyahu are among Trump's biggest fans. Misery loves company.

GARY GOLD
EAST HARTFORD, CONN.

From the Stacks

Thank you, Scott Sherman, for "How Citizen Action Saved the New York Public Library" [Oct. 16]. The former and current employees of the New York Public Library are grateful for your ongoing investigations into the way it's been managed.

L. OKEEFE

Books & the Arts.

AFTER THE REVOLUTION

In his new history, Yuri Slezkine examines life in the Soviet Union through a single apartment building

by TONY WOOD

In 1994, as many Western scholars and journalists were still struggling to make sense of the collapse of the Soviet Union—and in most cases only just beginning to learn about the scattering of nation-states that its disintegration had produced—the Russian historian Yuri Slezkine wrote a brilliant article comparing the USSR to a communal apartment. In this wry extended metaphor, the territories that made up the Soviet Union were "rooms" within a single shared residence—and since Russia itself was by far the largest, it took up a combination of "the enormous hall, corridor and the kitchen where all the major decisions were made." The disparities and tensions between the USSR's different national groups were rendered as a series of domestic arguments stretching across much of the 20th century, while the country's dismantling in 1991 and its aftermath appeared as the stuff of forlorn comedy:

> the tenants of various rooms barricaded their doors and started using the windows, while the be-

The House of Government
A Saga of the Russian Revolution
By Yuri Slezkine
Princeton University Press.
1,104 pp. $39.95

Tony Wood is finishing a book about Putin's Russia. He is a member of the editorial board of the New Left Review, *and his writing has appeared in the* London Review of Books, The Guardian, *and* n+1.

ILLUSTRATION BY **TIM ROBINSON**

> fuddled residents of the enormous hall and kitchen stood in the center scratching the backs of their heads. Should they try to recover their belongings? Should they knock down the walls? Should they cut off the gas? Should they convert their "living area" into a proper apartment?

In his colossal new book, *The House of Government*, Slezkine has turned this metaphor inside out, using the real history of a single building and its residents as a guide to understanding the triumph and tragedy of the Russian Revolution. The "House of Government" of the book's title is a hulking gray 10-story complex in the heart of Moscow and just across the river from the Kremlin. Constructed between 1928 and 1931, it originally contained—in addition to more than 500 apartments—a grocery store, a post office, a bank, a library, a tennis court, a gym, and a hairdresser's salon, among other amenities, as well as a theater and a cinema that were open to the public. It was much more than an apartment block, and the 2,500 or so people who lived there were not just any residents: The building was home to a cross section of the Soviet Union's more privileged citizens, from high Communist Party functionaries to prominent writers and artists, from veterans of Bolshevism's prerevolutionary underground years to the "shock workers" of the Stalin era, who were rewarded for their feats on the production line with plush apartments.

The dozens of people who populate Slezkine's book played roles both large and small in the making of the Soviet system, and in its self-slaughter through mass arrests and imprisonments in the 1930s. Several well-known Bolshevik grandees lived in the building, including some of Stalin's relatives; a young Nikita Khrushchev; Karl Radek, a leading figure in the Communist International; and Nikolai Bukharin's family after Bukharin had been arrested. Among the many other figures we meet are Maria Denisova, a sculptor who had once been the muse of avant-garde poet Vladimir Mayakovsky; the writer and editor Aleksandr Voronsky; Boris Zbarsky, Lenin's embalmer; Boris Shumiatsky, head of the Soviet film industry; Filipp Goloshchekin, the man who, in 1918, had been entrusted with the execution of the czar and his family; Matvei Berman, head of the gulag system in the 1930s; Tania Miagkova, imprisoned first in the Urals and then in remote Magadan for being a Trotskyist; and Sergei Mironov, a secret policeman whose method for rapidly meeting arrest and execution quotas established a grisly model that would be followed across the country during the Great Terror of the mid- to late 1930s.

In those bleak years, the building served as a home for Stalin's executioners and their victims—many of the former also ended up being imprisoned or shot. Those residents who survived the 1930s soon went through another inferno during the Second World War. Many served at the front; the rest were evacuated from the building in 1941 as the Wehrmacht approached Moscow. One-fifth of the residents never returned after the war. In fact, neither the House of Government nor the USSR was the same in the postwar years: The generation that had built both in their turbulent first decades had now left the stage.

In its scale and subject matter, *The House of Government* is something of a departure from Slezkine's earlier work, but there are clear continuities in his concerns and his sense of intellectual adventure. Born in February 1956—just before Khrushchev's "secret speech" launched the process of de-Stalinization—Slezkine is the son of an eminent expert on the Americas and the grandson of a writer who was friends with Mikhail Bulgakov. After training as a philologist at Moscow State University, he spent time in Mozambique and Portugal (he originally intended to work on African history) and in 1983 emigrated to the United States, where he studied at the University of Texas with Sheila Fitzpatrick, one of the leading social historians of the USSR. Slezkine's 1989 doctoral thesis, on Soviet policy toward the "small" nationalities of the Far North, was published as *Arctic Mirrors* in 1994. By that time, Slezkine had moved to the University of California, Berkeley, where he has been based since 1992.

Slezkine's early work, especially his article "The USSR as a Communal Apartment," overturned much of the conventional wisdom about the Bolsheviks and the nationalities of the former Russian Empire. Far from being a "prison of nations," as often depicted by its Cold War critics, the Soviet state, Slezkine argued, was actually built by encouraging a multitude of ethnic groups to claim their rights and territories. Groundbreaking as these arguments were, Slezkine gained wider acclaim with his next book, *The Jewish Century*, which appeared 10 years later. The winner of a National Jewish Book Award in 2005, *The Jewish Century* zoomed in on the plight of a particular ethnic minority—Russian Jews—and examined their complex relationship with the Soviet regime as a group that was both central and marginal to it. Slezkine also ranged far beyond the geographical scope of his earlier work, offering a sweeping historical-sociological theory for understanding the relationship between Jews and modernity. Drawing parallels with groups from different nations and eras, from medieval Korea to contemporary West Africa, Slezkine argued that Jews are one of a series of "Mercurian" peoples, operating on the margins of "Apollonian" societies as nomads, traders, intermediaries, and later as bearers of revolutionary ideas. Because of their interstitial location, such groups were in some ways ideally prepared for the advent of modernity. Since "modernization is about everyone becoming urban, mobile, literate, articulate, intellectually intricate, physically fastidious, and occupationally flexible," Slezkine wrote, then "modernization…is about everyone becoming Jewish." The curious double move—seemingly undoing Jewish exceptionalism, only to enshrine it anew as a kind of adaptive specialization—is characteristic of Slezkine's approach. His work is both mischievous and calmly analytical, wildly provocative and thoughtful at the same time.

These qualities are very much present in *The House of Government*, which is often fascinating, moving, and profound, but also at times exasperatingly excessive. At the outset, Slezkine describes the book as being partly a "family saga," and it has something of the capaciousness of a 19th-century novel, though inevitably Vasily Grossman's Soviet epic *Life and Fate* springs to mind as well. There is also a direct literary model—*The House of Government* opens with an epigraph from it—in Georges Perec's novel *Life: A User's Manual* (1978), which puts the fictional denizens of a Paris apartment block under the microscope. Perec, of course, had the twin luxury and burden of being able to

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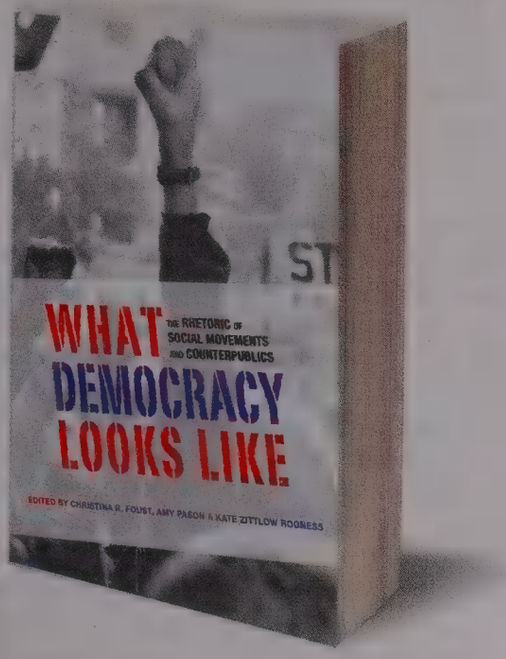
WHAT
THE RHETORIC OF SOCIAL MOVEMENTS AND COUNTERPUBLICS
DEMOCRACY LOOKS LIKE
EDITED BY CHRISTINA R. FOUST, AMY PASON & KATE ZITTLOW ROGNESS

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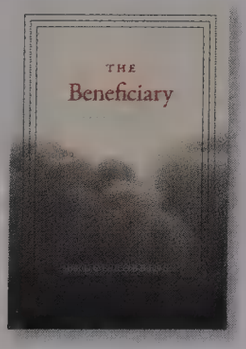

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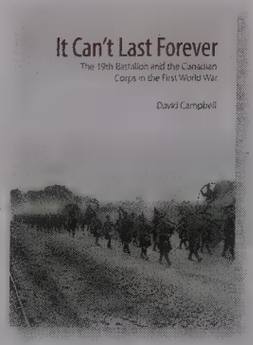
In this poignant memoir, Jane Lazarre tells the fascinating history of her father, Bill, a radical activist who, as part of his tireless efforts to create a better world for his family, held leadership positions in the American Communist Party, fought in the Spanish Civil War, and organized labor unions.



It Can't Last Forever

The 19th Battalion and the Canadian Corps in the First World War

By David Campbell

Wilfrid Laurier University Press
ISBN 978-1-7711-2236-8 | $49.99
680 pages, hardcover

"David Campbell captures the strain and struggle of a battalion at war, linking it to the wider war effort but always reminding the reader of the crucial role of individual Canadians on the Western Front and behind the lines. *It Can't Last Forever* is essential reading for those interested in the Canadian Corps and the Canadian soldiers who delivered victory in the many hard-fought battles and campaigns of the Great War."
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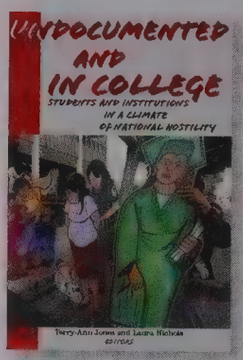


Undocumented and in College

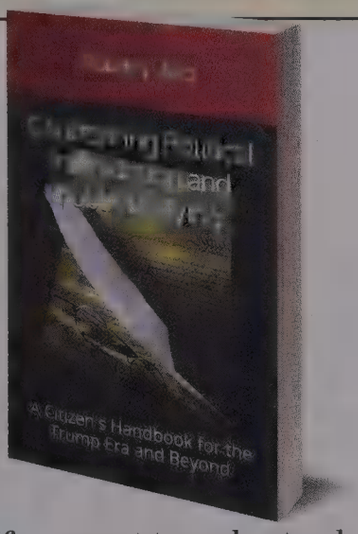
Students and Institutions in a Climate of National Hostility

Edited by Terry-Ann Jones and Laura Nichols

Fordham University Press
ISBN 978-0-8232-7617-2 | $28
192 pages, paper, 10 b/w illustrations
e-book available

"Based on careful and critical research, *Undocumented and in College* sheds light on the undocumented college students; a much needed resource that makes significant contributions to literature on education, immigration, and inequality." —Ujju Aggarwal, The Graduate Center, CUNY

Intimidation Dominates Our National Life



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invent everything; Slezkine, on the other hand, had to spend two decades on research, during which he mined a wealth of sources, from state archives to personal diaries, letters, and memoirs. Throughout, he often lets the residents speak for themselves, reproducing long verbatim quotations from their correspondence or private journals. The result is less a historical narrative than an in-depth anthropological study, a cascade of conversations with the dead.

Yet just as the House of Government was more than an apartment building, Slezkine's book is more than a narrative history of the people who called the place home. In effect, it is several books in one, operating at different scales and with overlapping but distinct goals. The dominant, and most successful, book-within-the-book unearths and retells the stories of the House of Government and its residents. Through this vast act of historical recovery, Slezkine has produced a collective portrait that is at once intimate and epic. Parts of it could surely have been done more economically: Quotations sometimes stretch over several pages, and there are lengthy digressions about everything from Soviet urbanism and 1930s fashion to music and holiday homes. Still, by any measure, this strand of the book is an impressive achievement.

The House of Government also offers a distinctive angle on the Stalin era, a kind of social history of the "mass elite": The building's residents were mostly not at the very summit of power, but rather a few levels below, where the machinery of state came into much closer contact with Soviet society. As Slezkine puts it, the building "was and was not an island." For instance, many of the residents were among the functionaries charged with carrying out the forcible collectivization of agriculture at the turn of the 1930s; at the same time, several of the building's domestic servants had recently fled the disasters afflicting the countryside. As a result, "one of the consequences of collectivization was that almost every child raised in the House of Government was raised by one of its casualties."

There are dozens of brutal ironies of this kind, especially in the book's final third, in which a relentless tide of arrests, imprisonments, and executions sweeps away many of the people whom readers have come to know. There are also moments of incongruous levity. When Voronsky's daughter Galina was arrested, her interrogator turned out to be a fan of Sergei Esenin's poetry, and the two spent most of their sessions reciting his verses to each other—until another NKVD officer walked into the cell, at which point the interrogator "would quickly readjust his manner and shout: 'Voronskaia, you'd better start testifying!' " Elsewhere, we learn that at Radek's dinner parties, his poodle would be given a seat at the table, as well as "a plate of food that he would carefully munch on." Radek's subsequent downfall—after being arrested in 1936 and convicted in a show trial the following year, he was murdered in prison in 1939—is one of several charted here. Later, another of the building's residents plays a central role in restoring the posthumous reputations of many of her former neighbors: After the 20th Party Congress in 1956, Elena Stasova, former secretary of the party's Central Committee, became what Slezkine calls "a one-woman rehabilitation committee." One of the building's last living links to the people who made the revolution, Stasova spent her final years tending to its ruined memory.

Embedded within the story of the building and its residents, however, are two other strands, each of which could have been a book in its own right. One of them amounts to a literary-cultural interpretation of Bolshevism: Slezkine describes a host of novels, poems, and plays that were central to the worldview of the House of Government's inhabitants, from the "classics" venerated by bourgeois culture—Shakespeare, Balzac, Dickens, Heine, Ibsen—to the canonical socialist-realist works of Nikolai Ostrovsky and Leonid Leonov. These texts, according to Slezkine, supplied the language and concepts through which many of the early Bolsheviks grasped reality.

Sometimes there's a direct link between literary texts and the House of Government itself: for example, through fictional characters based on real residents, or through the work of Yuri Trifonov, who grew up in the building and later immortalized it as "the House on the Embankment" in his 1976 novel of the same name. But often the connection is looser, more metaphorical, and at times this strand of *The House of Government* can seem like an indulgence—for instance, when it requires the reader to work through several pages of plot summary of a socialist-realist novel for a fairly modest payoff in understanding. (These are among the many occasions in the book where the material seems to have gotten out of control, and I often found myself wishing that Slezkine's editors had taken a firmer hand.)

Much more contentious is the third, analytical strand of *The House of Govern-*

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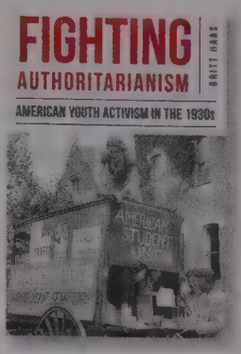

Fighting Authoritarianism
American Youth Activism in the 1930s
By Britt Haas

Fordham University Press
ISBN 978-0-8232-7799-5 | $35
344 pages, paper, 5 b/w illustrations
Empire State Editions, e-book available

"*Fighting Authoritarianism* provides a new and important examination of U.S. youth activism of the 1930s. Moving beyond the Cold War concerns that have dominated past studies of dissident youth in that era, Britt Haas shows us how their ideals and actions were, in many ways, quintessentially American."
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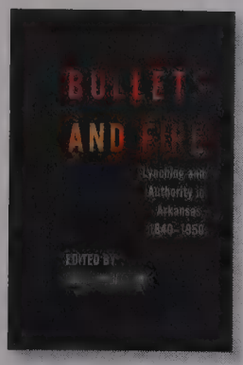
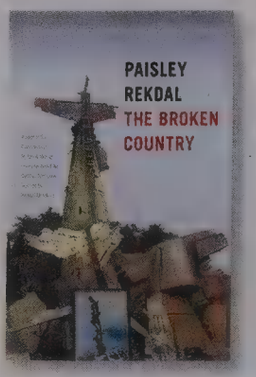


Bullets and Fire
Lynching and Authority in Arkansas, 1840–1950
Edited by Guy Lancaster

The University of Arkansas Press
ISBN 978-1-6822-6044-9 | $39.95

Bullets and Fire is the first book to analyze mob justice and its role in the maintenance of white supremacy in the understudied state of Arkansas, from the lynching of slaves to the outsize role Arkansas's federal lawmakers played in hindering national anti-lynching legislation during the 20th century. *Bullets and Fire* adds depth to the growing body of literature on American lynching and integrates a deeper understanding of this violence into Arkansas history.



The Broken Country
On Trauma, a Crime, and the Continuing Legacy of Vietnam
By Paisley Rekdal

University of Georgia Press
ISBN 978-0-8203-5117-9 | $24.95
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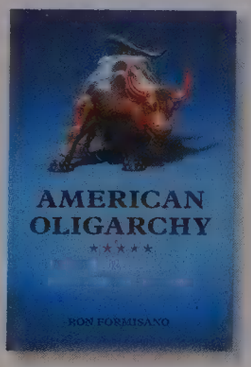
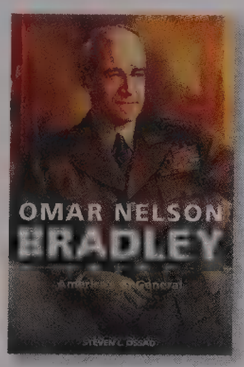
"With subtlety and insight, with precision and passion, Paisley Rekdal explores the consequences of the Vietnam War for Vietnamese, Americans, and herself. The result is *The Broken Country*, a moving and often gripping meditation on the fallout of war, from violence and racism to melancholy and trauma."
—Viet Thanh Nguyen, author of *Nothing Ever Dies: Vietnam and the Memory of War*



American Oligarchy
The Permanent Political Class
By Ron Formisano

University of Illinois Press
ISBN 978-0-252-08282-5 | $19.95
288 pages, paper

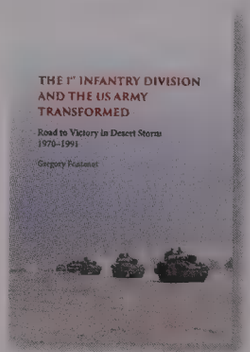
The new American Way of bribery, corruption, and self-aggrandizement: In a muckraking tour de force, *American Oligarchy* demonstrates how the corrupt culture of the permanent political class extends down to the state and local levels. Ron Formisano breaks down the ways this class creates economic inequality and how its own endemic corruption infects our entire society.



Omar Nelson Bradley
America's GI General, 1893–1981
By Steven L. Ossad

University of Missouri Press
ISBN 978-0-826-22136-0 | $36.95

The last and youngest of the "five-stars," Omar Nelson Bradley had the most combat experience of the three United States Army Group commanders in Europe during World War II. Bradley's postwar career ensures his legacy as one of the architects of US Cold War global strategy and shaped US history and culture in decisive, dramatic, and previously unexamined ways.



The 1st Infantry Division and the US Army Transformed
Road to Victory in Desert Storm, 1970–1991
By Gregory Fontenot

University of Missouri Press
ISBN 978-0-826-22118-6 | $36.95

"[S]heds fresh light and understanding on the combat experiences of soldiers and units in the 1991 Gulf War.... In his expert telling, Fontenot makes clear that understanding the experience of the 1st Infantry Division in Desert Storm is important to preparing for future armed conflict."
—Lieutenant General H.R. McMaster, assistant to the president for national security affairs

ment, in which Slezkine puts forward an argument about the character and fate of the Soviet system by identifying Bolshevism as a religion. In the spirit of *The Jewish Century*'s globe-spanning historical comparisons, Slezkine here sets Russian revolutionaries alongside a dizzying array of groups, from the Zoroastrians through militant versions of Judaism, Christianity, and Islam, to Rastafarians and modern-day cargo cults. After pursuing this argument in detail, he concludes that the Bolsheviks were a millenarian sect, and their Marxism a materialist veneer over a belief in the coming transfiguration of the world, the "real day" that seemed on its way in 1917.

Since much of the Bolshevik worldview was forged long before the October Revolution, Slezkine also delves back into its origins and dissemination among the Russian intelligentsia in the Romanov era, and follows its development through the years of exile and underground activism in the late 19th and early 20th centuries. (This story occupies most of the book's first part; construction on the House of Government doesn't begin until after page 300.)

For Slezkine, the Bolsheviks' millenarian thinking not only instilled in them the faith necessary to carry out a revolution; it also presented them with a particular set of challenges once they had taken power. First, there was the question of how to institutionalize their creed in a country that largely seemed not to share it. Then there was the inconvenient fact that the "real day"—the spread of revolution across the globe—not only didn't arrive, but seemed to be growing more distant as time wore on.

Stalin's doctrine of "socialism in one country" solved the second problem, adjusting the original prophecy to proclaim that the destination had already been reached. The first problem, meanwhile, was dealt with by the emergence of a priestly caste in the form of the party-state, which sought to transform the populace by half-educating, half-coercing it out of its backwardness. But these were no more than temporary fixes: Slezkine argues that the Bolsheviks were ultimately unable either to remake the country or to instill their own beliefs in their descendants, and so the sect withered away, like others before it. The revolutionaries thought they were forging the future of the planet, but as it turned out, "the Soviet Age did not last beyond one human lifetime."

How useful is the analogy with religion as a way of thinking about what Bolshevism was—and hence as a key to understanding the Soviet experience as a whole? Even Slezkine seems to have his doubts. In an early chapter, he asks whether the Bolsheviks' "faith" was a religion and observes: "The most sensible answer is that it does not matter." But despite this, Slezkine uses the idea to sustain much of his argument over the next several hundred pages of his book.

It is also more than a little puzzling that he should want to revive such a worn anticommunist trope. Time and again, Marxism has been categorized as a secular religion, and its commitment to the revolutionary transformation of society as a mere rebranding of millenarianism. Within this wider cliché, Bolshevism has often been likened to one of the more fanatical monotheistic sects. In 1920, Bertrand Russell compared it to Islam, describing both as "practical, social, unspiritual" faiths that were "impervious to scientific evidence." During the Cold War, the parallel was taken up by the likes of Bernard Lewis and Jules Monnerot with a tiresome combination of hysterical anticommunism and Orientalist Islamophobia. (Since 2001, the terms of the comparison have been reversed, with conservatives denouncing fundamentalist Islam as the "new Bolshevism.")

Slezkine is incapable of such crude thinking. In his hands, the analogy opens the

Roasted Veggies

When I peel the russet potatoes, the carrots, the sweet potatoes (and sometimes turnips), it's an occasion. When I cut the zucchini, asparagus, red peppers, it's an experience. When I bring out my largest bowl and use my hands to toss them all with olive oil, white wine vinegar, oregano, the trapdoor falls open, and I drop into a softness where tongue and nose are despots. The perfect music for this dark world happens only later: the dishwasher humming in the neat empty kitchen.

I had a roasted veggie dream last night, a frustration dream. No matter how I tried, I couldn't cut the veggies into the right shapes, and so no veggies were roasted. "The reason for your complaint lies, it seems to me, in the constraint your intellect imposes on your imagination" was what Schiller told someone who was having trouble writing. But no, it can happen from tiredness, or impoverished creative powers, or maybe something like what Emily Dickinson meant: "the mere sense of living is joy enough."

KATHLEEN OSSIP

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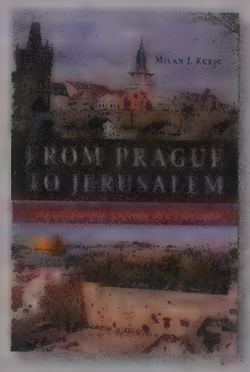


From Prague to Jerusalem

An Uncommon Journey of a Journalist

By Milan J. Kubic

Northern Illinois University Press
ISBN 978-0-87580-764-5 | $39

Milan Kubic's career as a *Newsweek* correspondent spanned 31 years and three continents. Beginning with his childhood in Nazi-occupied Czechoslovakia, Kubic's riveting memoir describes his arrival in the United States in the 1950s, his time covering the White House, and the decades he reported from abroad, including coverage of the Israeli-Palestinian conflict, starting with the Six-Day War in 1967.

March 1917

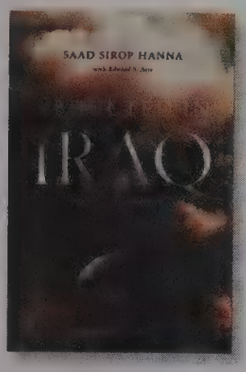
The Red Wheel, Node III, Book 1

By Aleksandr Solzhenitsyn
Translated by Marian Schwartz

University of Notre Dame Press
ISBN 978-0-268-10265-4 | $39

"Solzhenitsyn explodes the Russian Revolution back into myriad voices and parts, disarrayed and chaotic, detailed and tumultuous. In *March 1917*, he attempts the impossible and succeeds, evoking a fully formed world through episodic narratives that insist on the prosaic integrity of every life, from tsars to peasants. What emerges is a rich history that's truly greater than the sum of its parts."

—*Foreword Reviews* (starred review)



Abducted in Iraq

A Priest in Baghdad

By Saad Sirop Hanna, with Edward S. Aris
Foreword by David Alton

University of Notre Dame Press
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"Catholic priest Hanna…was held captive in Baghdad, Iraq, in 2006. His first-person account begins with being waylaid while driving down a Baghdad street. He was blindfolded, handcuffed, and taken captive while his abductors negotiated a ransom and tried, sometimes with violent beatings, to convert him to Islam.… [L]ament[s] the destruction of Iraqi culture."

—*Publishers Weekly*

Addressing Violence Against Women on College Campuses

Edited by Catherine Kaukinen, Michelle Hughes Miller, and Ráchael A. Powers

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Addressing Violence Against Women on College Campuses argues urgently to make violence prevention not separate from but rather an integral part of the student experience. The book is designed to facilitate an ongoing discussion and provide direction on how best to prevent and investigate violence against women and intervene to assist victims while reducing the impact of these crimes.

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December 2017

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By Patricia M. DeMarco

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—Mayor William Peduto, City of Pittsburgh

Holy Grail

My father changed
his name to Henry

and became King
of white people.

He pulled my spine
from my back

to prove he commanded
the holy sword.

Holy bone.
The half-corpse

of his firstborn.
I moved

as he willed. I danced.
I prostrated

myself at his feet
and said Lord.

And father. Holy
father. I rose

when he introduced
me to his partner,

an old white man
who reads books

about Buddhism.
This was the first step

towards enlightenment:
find a Vietnamese man

who has left one
body for another.

The new body a grail
for a gay immigrant

father. I am just a reminder
of the old ways. The boat

people didn't answer
the ocean's song

when they rowed. The ones
who did went under.

All of them leaving
behind a world

I will never understand.
This is what I mean

when I say I am spineless.
When I said my father

took it from me, I meant
to say God exists,

and he is my father,
life-bringer, holy

immigrant. My body now
my own forever.

KIEN LAM

way for wide-ranging digressions on the comparative history of religion. But it has profound flaws that even someone with his wit and imagination can't overcome. First there's the obvious fact that Bolshevism was far from monolithic. For most of the period that Slezkine covers, serious factional disputes, rooted in genuinely different ideas about what direction the party and country should take, were the norm. The Bolshevism-as-religion analogy flattens this disputatious history into a single, uninterrupted lineage—and, in the process, does away with its very real contingency, projecting Stalin's narrow doctrinal rigor decades backward onto a diverse movement.

Slezkine might respond that the Bolsheviks themselves often described their beliefs in millenarian terms, drawing on biblical imagery to explain their vision of the coming world. But this raises a second problem: At the time, religious terminology was the language in which people most commonly expressed beliefs of any kind, political or otherwise. And in a culture shaped for centuries by the precepts of Orthodox Christianity, how better to evoke the end of the existing socioeconomic order than as a kind of apocalypse? The fact that the Bolsheviks and others used religious language doesn't prove how similar the two "faiths" were, but rather how prevalent and powerful religion was as a way of understanding the world. If Bolshevism was millenarian, it was because the whole Judeo-Christian tradition that it emerged within and defined itself against was, too.

There is a still more significant problem with the idea: In the end, it's a simile, not an explanation. Saying that Bolshevism is a religion really only tells us that belief is belief. It leaves unaddressed the problem of why these people in this place were committed to a particular idea of revolutionary transformation. The answer to this lies not in the fact of belief itself, but in the specific social and political terrain in which the Bolsheviks operated: the mass poverty and exploitation they dreamed of ending, and the new society they built after the revolution of 1917, with its real advances and achievements, its dreams and distorting cruelties.

That specific social and political terrain is, in fact, the subject of much of *The House of Government*, and Slezkine documents it in near-encyclopedic detail. But this brings us to what is perhaps the deepest flaw in Slezkine's religious reading of Bolshevism: It is ultimately a decontextualizing, depoliticizing move. Describing it as a worldly religion tends to emphasize the second term over the first, thereby removing the political and so-

cial content from what was primarily a political and social phenomenon. The effect of this is to detach Bolshevism from its foundations, evacuating the Soviet experience of its living substance: the millions of lives transformed—for better and for worse—throughout the ensuing decades.

This ultimately means that one of the main analytical strands of *The House of Government* is at odds with the rest. While Slezkine offers us a monumental social history that carefully records the lived experience of dozens of people caught up in the maelstrom of events, his core argument pulls us toward transhistorical abstractions. These contradictory impulses mean that it's unclear, in the end, what Slezkine is telling us about the nature of the Soviet system. On the one hand, he casts the October Revolution as the beginning of a distinctive project of communist modernization. On the other, he argues that the fate of Bolshevism boils down to a story of failed succession from one generation of the faithful to the next. His book is therefore often less Grossman's *Life and Fate* than Turgenev's *Fathers and Sons*—and perhaps for this reason, it makes sense that he would describe Bolshevism's anticlimactic end with another domestic metaphor: "The surviving revolutionaries and their children and grandchildren were facing each other across the kitchen table, unable to see or listen."

The swing between the gigantic and the miniature, the epoch-making transformation and the kitchen scene, is obviously deliberate: Slezkine no doubt chose the House of Government as his subject because it would allow him to move back and forth between large-scale processes of historical change and the details of their unfolding in individual lives. But one consequence of this is that we frequently lose sight of the book's focus: It is simultaneously about the entire Soviet Union and a single building, about one particular set of people and things, and about everything else, too.

This pendular movement means that we often see only in passing the actually existing society that gave rise to, and was remade by, the Bolsheviks: the vast country surrounding the House of Government. It's a place that often intrudes on the lives of the building's inhabitants, in scenes that Slezkine has evoked with tremendous compassion and care. Its noise and music and turmoil flow through the windows, the doorways, and the courtyards. But for much of the book, it remains at an unresolvable distance, at once too close and too far away to be seen clearly. ■

Frank Bidart and Elizabeth Bishop, Maine, 1974.

HIDING IN PLAIN SIGHT

The loneliness of Elizabeth Bishop

by DAVID YAFFE

Elizabeth Bishop
A Miracle for Breakfast
By Megan Marshall
Houghton Mifflin. 365 pp. $30

In 1974, Elizabeth Bishop seemed to have all the things a poet could want: a teaching position at Harvard, a Pulitzer Prize, a National Book Award, and a first-look contract with *The New Yorker*, which almost always decided to publish her work. And yet she was inconsolably unhappy. "When you write my epitaph," Bishop said to the poet Robert Lowell, "you must say I was the loneliest person who ever lived."

That year, things only got worse. Bishop's longtime lover, the Brazilian heiress Lota de Macedo Soares, had committed suicide in her presence in 1967, and her much younger current lover, Alice Methfessel, 31, with blond hair and dazzling eyes of "blue blue blue," had recently jettisoned Bishop to become engaged to a man. Bishop's sadness was bottomless: Alcohol could saturate the pain, but never take it away. The trappings of success were preferable to those of failure, but the older and more eminent that Bishop became, the more desperate and needy she grew as well. "Yesterday brought to today so lightly! / (A yesterday I find almost impossible to lift)," Bishop wrote in the poem "Five Flights Up." But it was also at this low point on her high perch that she wrote, over several

David Yaffe is a professor of humanities at Syracuse University. His latest book, Reckless Daughter: A Portrait of Joni Mitchell, *came out this month.*

painstaking drafts, what became her most anthologized and best-loved poem, "One Art." It was a work that began as a riffy, associative free-verse rumination on the many kinds of loss but that, in its finished form, became a seamless and airtight villanelle, a form that dates back to the Renaissance. Written in the 1970s, a period experiencing a renaissance of a different sort—punk rock, self-help, singer-songwriters, Studio 54, and the "zipless fuck"—"One Art" made it clear that Bishop's writing was both antiquated and somehow still of her moment.

Despite her crippling loneliness, Bishop sought out no group for empowerment or support. She kept such matters private, in her fashion, all the way to her death in 1979, at the age of 68. Bishop left behind 100 well-wrought poems, but very few musings on her private life. The entire time that she lived with Lota, who inspired tender, erotic poems like "It is marvellous to wake up together…" and "The Shampoo," it was merely as her "guest" and "friend." In fact, Bishop worried about whether the latter poem was too tawdry, despite Lota's carefully veiled presence; in a letter to the poet and playwright May Swenson, she asked if there was "something indecent about it I'd overlooked." And when Bishop was the poetry consultant to the Library of Congress in 1950, she avoided cruising for women at DC's version of the Stonewall Inn or anywhere else, aware that Senator Joseph McCarthy's witch hunt wasn't just going after reds; in what was known as the "purge of the perverts," the government was also rooting out gay and lesbian employees. Officially, Bishop had the honor of representing poetry in America, but she was also in many ways a prisoner of her desires, keeping her head down and determined to avoid the next raid.

One of the brilliant features of Bishop's writing was that, despite her astonishing control and mastery of forms from centuries past, she had a gushing emotional register just barely below the surface. The effect was subtle, and even at its most pitched tones, one could miss it. But Bishop's poems were beautifully constructed edifices with emotions that bubbled close enough to the surface for readers to feel and hear them. In these poems she was, as Flaubert might have put it, present everywhere but visible nowhere. Indeed, one of the arts of "One Art" was her ability to hide in plain sight, using antique verse structures to expose the personal wounds that she was simultaneously trying to keep to herself. Several drafts of "One Art" were published posthumously in the controversial *Edgar Allan Poe & the Juke-Box*, a collection of unfinished writing from the ultimate perfectionist poet. The facsimiles are not easy to read, but they're worth the effort: Within the limitations of the villanelle—19 lines composed of five tercets and a quatrain—there were only so many words to cover losing her father to disease, her mother to an insane asylum, Lota to suicide, and now her "love, love, love," Alice.

Elizabeth Bishop: A Miracle for Breakfast, the new biography by Megan Marshall (whose previous book, *Margaret Fuller: A New American Life*, won the Pulitzer Prize), helps to fill in for devotees of Bishop's work much of what couldn't fit into one of her painstakingly perfected poems. And what we learn from Marshall's book—informed by a mother lode of newly discovered letters—is that none of Bishop's accomplishments could ever ease the pain of her loneliness.

Bishop was born, as the opening words of her free-verse poem "In the Waiting Room" put it, "In Worcester, Massachusetts," in 1911. Her father died of Bright's disease when she was 8 months old, and her mother was committed to a sanitarium in Nova Scotia when Bishop was 5; she would never have contact with her daughter again. Bishop had some family money but no stable family: She was shuttled between relatives in Worcester and Nova Scotia and, as the letters reveal, dangled by her ponytail and sexually abused by her uncle. Whatever anger she felt in these early traumatic years turned into sadness, and the sadness into poetry. She needed love so badly, but she didn't always know what to do with it when she had it. She also knew that she had to keep herself going, though she wasn't always sure why. As she wrote in "The Unbeliever":

> I must not fall.
> The spangled sea below wants me
> to fall.
> It is hard as diamonds; it wants to
> destroy us all.

Bishop did not fall. She started college at Vassar in 1930, a class behind Mary McCarthy, with the hope of possibly becoming a composer. She sang in the choir during her freshman and sophomore years, but the music students were required to perform in public once a month, and "this terrified me," she told Elizabeth Spires (class of '74). "I really was sick. So I played once and then I gave up the piano because I couldn't bear it.... Then the next year I switched to English." With the Great Depression in full swing beyond Vassar's gates, she began the perilous business of publishing poetry, even for money when she could.

Bishop also began to reach out to others like herself. In her junior year, she interviewed T.S. Eliot while he was in the United States giving the Charles Eliot Norton lectures at Harvard. Bishop teased the poetic eminence about a line from his then-new play *Sweeney Agonistes*—"Any man has to, needs to, wants to / Once in a lifetime, do a girl in"—asking if he had "ever done a girl in." Eliot's reply: "I am not the type."

A year later, in 1934, Bishop graduated from Vassar and moved to New York to begin an apprenticeship with Marianne Moore, who provided an early model for the kind of poet—and perhaps the kind of woman—she wanted to become. Bishop found herself dazzled by her new mentor and wrote, with immense affection, in "An Invitation to Miss Marianne Moore":

> Come like a light in the white
> mackerel sky,
> come like a daytime comet
> with a long unnebulous train of
> words,
> from Brooklyn, over the Brooklyn
> Bridge, on this fine morning,
> please come flying.

Robert Lowell would eventually replace Moore as Bishop's most intense poetic influence and correspondent, and while she never achieved a fame comparable to his during her lifetime, her renown since then appears to have eclipsed his. During their lifetimes, Lowell was the celebrity, Bishop the shy, retiring poet's poet. But now she looms larger than Lowell. This would have surprised Bishop as much as anyone, but she hinted at her posterity in "The Monument":

> It is the beginning of a painting,
> a piece of sculpture, or poem, or
> monument,
> and all of wood.
> Watch it closely.

Bishop would have imagined that her struggles and her sexuality were nobody's business but her own; she said everything she had to say—and implied or omitted the rest—on her own terms. Since then, however, times have changed, and they've caught up with Bishop, even if it's unclear whether she would have wanted to be caught. In "The Fish," published in 1946, she wrote about landing "a tremendous fish":

He was speckled with barnacles,
fine rosettes of lime,
and infested
with tiny white sea-lice,
and underneath two or three
rags of green weed hung down.

Bishop knew what it meant to reel something precious in, while also being keenly aware of what it felt like to be on the hook herself. One advantage that Marshall has in telling Bishop's story is her access to a trove of previously unavailable letters, which reveal the poet's more intimate and personal side—the very facts that she guarded so zealously from others. From Marshall's book, we find out that "In the Waiting Room"—in which a 7-year-old Bishop discovers, with horror, that "you are an *I*, / you are an *Elizabeth*, / you are one of *them*. / *Why* should you be one, too?"—was connected to her previously unknown letters to her psychoanalyst. The letters also show how desperately she sought approval from Alice: "The poor heart," Bishop wrote in 1971, "doesn't seem to grow old at all."

As these new letters reveal, though Bishop was writing verse for the ages, she was barely hanging on. "I'll have to see you going off with someone more suitable," she wrote disconsolately in another letter to Alice, "and I'll have somehow to turn into just being a 'good friend' etc."

Marshall utilizes this new material with an elegance and craft worthy of her subject. With it, she captures Bishop's final memory of her mother—she "would recall one unending maternal scream and its echo floating over the village"—and also plumbs the depths of Bishop's nonsexual but intimate love for Lowell: "As you must know," Bishop wrote to her doctor, Anny Baumann, "I love him, next best to Lota, I suppose—if one can measure love or compare it." We also see Bishop's heart blown to bits after Lota's suicide, when she writes: "It's not my fault. It's not my fault. It's not my fault."

But while, in Marshall's steady hands, this new archival material often flows smoothly into the story, her attempts to interpolate her own life are somewhat less felicitous. Marshall was Bishop's student at Harvard in 1976, and so it makes sense that she appears in a chronicle of Bishop's life. But a more conventional biography would have taken that shared history—attending a class that Bishop taught, getting a B from her, deciding to give up on poetry—and consolidated it into a preface or an afterword, or perhaps a little of both.

Marshall, on the other hand, has done something different, opening each long chapter on Bishop's life with a more personal one about herself. After discussing Bishop's childhood and adolescence, Marshall introduces a chapter by announcing, "I was the worst kind of student poet." After describing Bishop's loneliness during her tenure at the Library of Congress, Marshall writes of her own homesickness as a Harvard student. And so on.

Much of this really doesn't have any business being in the book. But one suspects that Marshall is attempting to echo Bishop's poetic approach in some way, concealing parcels of her own life in the biography of someone else. The subtitle of Marshall's book, *A Miracle for Breakfast*, is the title of one of Bishop's two exquisite sestinas, and the repeated words in it—"balcony," "crumb," "coffee," "river," "miracle," and "sun"—are all used as chapter titles. The chapters themselves don't do anything to mimic the form of a sestina, but they do capture the life of the woman who wrote two of the greatest modern sestinas while planting evocative (though at the same time evasive) details about her life throughout them.

To Marshall's credit, her invocation of this masterful poem does reveal a lot about Bishop's life. But it is Bishop's other great sestina, simply titled "Sestina," that perhaps best mixes biography, emotion, and poetic craft—and, one suspects, might have served as a better model for Marshall's own book. "Sestina" uses concrete images and tells specific stories within its structure; and yet the limitations imposed by the form provide the kind of indeterminacy that any biographer seeks in order to create a sense of suspense in his or her narrative. Above all, the poem doesn't have to make explicit the emotional consequences implied by its imagery and biographical description, and it is careful not to interpolate any overtly biographical information about the writer while nonetheless remaining powerfully evocative. The final tercet, in particular, has a revelation in every word:

Time to plant tears, says the
almanac.
The grandmother sings to the
marvelous stove
and the child draws another
inscrutable house.

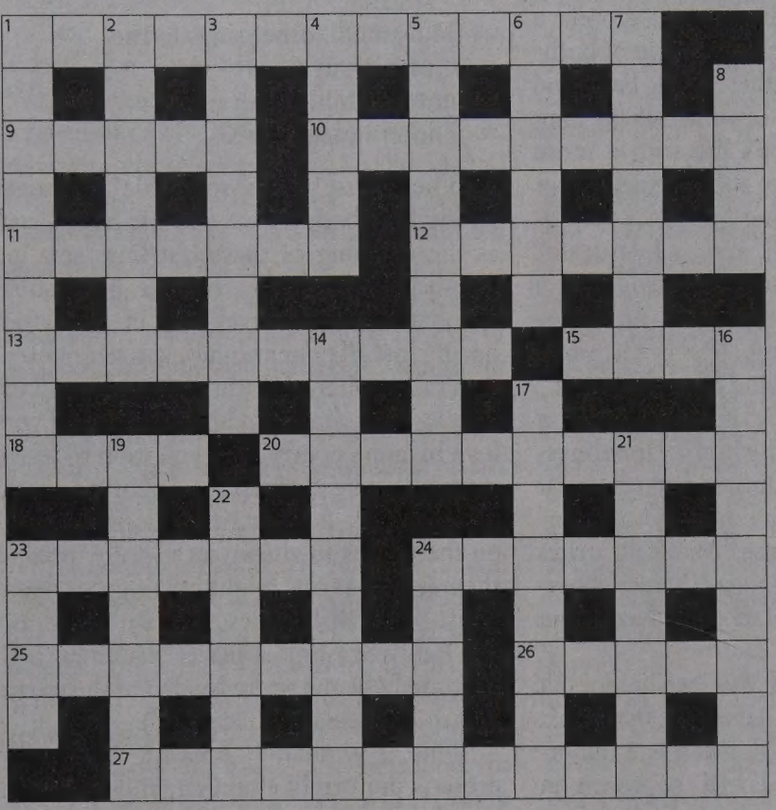
The house is "inscrutable" because young Elizabeth knew no stable home, and as the meaning of these last lines sets in, one begins to realize that the most solid foundation Bishop ever had in life, after having lost all of her homes, was her poetry. And this is where Marshall's book, for all its virtues, is missing something crucial. If you love Bishop's poetry, or if you want to learn more about her to help you fall in love with it, this book doesn't linger long enough on the poems to allow you to truly inhabit them (much as one might inhabit the "open house" that Bishop describes in "Song for the Rainy Season," a place "darkened and tarnished / by the warm touch / of the warm breath, / maculate, cherished").

This is a shame, because Marshall's prose is uniformly eloquent, and her book was clearly written by someone with a deep knowledge of Bishop's poems, the experiences that went into them, and the ways in which they were made. But even "One Art," supported by all that red-hot archival material, just breezes past, and by the time Marshall writes about its evolution from free verse to villanelle, the poem has already been accepted by Howard Moss for publication in *The New Yorker*, after which Marshall gallops away from the poem itself and back to Bishop's life, with all its plentiful drinking, desperation, and disappointment.

Of course, dwelling for too long on the works can make a book unwieldy as well. Richard Ellmann's *James Joyce* is the ultimate example of a biography that goes as deep into a writer's art as it does into his life. *Dubliners*, *A Portrait of the Artist as a Young Man*, *Ulysses*, and *Finnegans Wake* each received its own section, but the resulting book sprawled for nearly 1,000 pages. One doesn't necessarily want a work of that length on Bishop—rather, something in between the biographical stories of this miserable, self-destructive, and brilliant poet and Ellmann's canonical doorstop. Bishop's life without sufficient attention to the poems—what is that? It feels like she really was the loneliest person who ever lived. ■

Puzzle No. 3446

JOSHUA KOSMAN AND HENRI PICCIOTTO



ACROSS

1 Crashed into pieces, reusing some that might be extra sharp (7,6)

9 Awkward, short quarrel (5)

10 Sign of island cereal (9)

11 Try and use a turbulent waterway (7)

12 Decapitated Russian and Spaniard (7)

13 Kill Washington, then kill Cummings as a refresher? (4,6)

15 Hot tune: It grows on you (4)

18 Clothing line: "West Is West" (4)

20 Front-to-back detector installed in computer component, limiting what you can see and hear (10)

23 Slow and largely gloomy twin (7)

24 Russian president traveling in style (7)

25 Father holds misprinted menu before getting over one illness (9)

26 Heads of government acquire nestled jar and pot (5)

27 Businesswoman's flaw: pursuing store with dispatch (6,7)

DOWN

1 Comic sets off powders and creams (9)

2 Clothed in reversible pelts, I peruse a letter (7)

3 Challenge: break off an engagement? (8)

4 Lucy's husband is real gross (5)

5 Joy of putting passcode into unrecognizable shapes (9)

6 Rapper's excellent source of gold and platinum, finally (6)

7 Mix oat and rice with blueprints, perhaps? (7)

8 Except for the beginning, sanctioned literature is briefly of unknown authorship (4)

14 Train union leader in foreign language? Supposedly, there's no such thing (4,5)

16 Sorrowful author gains entry to natter incoherently (9)

17 Opening disc (record) in pure chaos (8)

19 City guy is gripped by unhinged mania (7)

21 "Hallelujah!" or "God be praised!": Santa's words to *Frozen* character (7)

22 Grumble about liquor twice (6)

23 At first, great ape is to open wide (4)

24 A long time indeed to accept Arkansas (5)

SOLUTION TO PUZZLE NO. 3445

1 TRUMP + ETERSWAN (anag.) + S **9** hidden **10** I + NCOR(R)ECT (*concert* anag.) **12** & **26** BEG + ONE **13** E(P + AU)LEMENTS **14** rebus **16** THE + M **20** D-[a/I]-SH **21** UNDER(WA)TER (*returned* anag.) **23** PRIM + ARY (anag.) + C + ARE **27** EM + BELL-ISH **28** & **29** anag.

DOWN **2** RELI(G.I.)OUS (*lousier* anag.) **3** MA(C)KER + EL **4** hidden **5** EX(CUL[t])PAT + E **6** SC(RIM)P (rev.) **7** alternate letters **8** "cites" **11** A(BUS)ED (*D.E.A.* rev.) **15** HEN + R(YVI)I + I (*ivy* rev.) **17** HAT(SOF(F)T)O (*oath* anag.) **18** MOR(S)EL **19** S(WEE)TPEA (*paste* anag.) **22** PAEL (rev.) + L + A **23** PLEA + T **24** initial letters **25** A + P + HID

	T	R	U	M	P	E	T	E	R	S	W	A	N	S
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